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# THE Nation.

THE REAL SOTOMAYOR
THE EDITORS

GOODBYE WAVES
KATHA POLLITT

CHENEY'S VICE
STEPHEN HOLMES

OBAMA, PROGRESSIVES

# EXACTING CHANGE

AND THE FIGHTS TO COME

ROBERT L. BOROSAGE & KATRINA VANDEN HEUVEL

JUNE 15, 2009
TheNation.com

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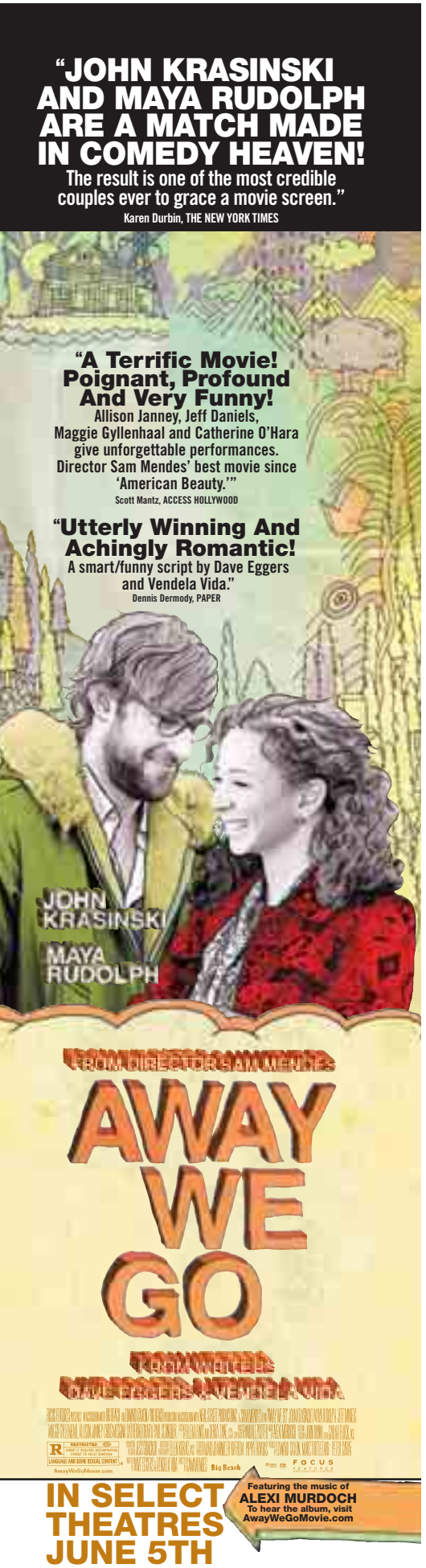
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# Letters

OBAMA'S FIRST 100 DAYS · CHRISTOPHER HAYES
THE NATION
'JOURNAL' LOST ITS SOUL?
Fear stalks hallways of Murdoch's Wall St. sheet
SCOTT SHERMAN

## R.I.P. Newspapers—but Not the News

Belmont, Mass.

Eric Alterman is correct when he discusses the "end of newspapers" by saying, "What is needed—pronto—is a plan to save the collection and dissemination of the news itself" ["The Liberal Media," May 11]. As a citizen, I heartily agree. As a leader of the Boston Globe Freelancers Association campaign against a retroactive rights-grabbing contract in 2000, I have another perspective. We also need to understand the perfect storm that combines corporate and public expectations that all content is—and should be—free with the deprofessionalization of everything.

The New York Times Company (owner of the *Boston Globe*) was eager to wrangle its content for as cheap as possible through a freelance contract that grabbed retroactive rights from writers, photographers and illustrators. Although I regret having been a canary in the newspaper industry's coal mine, it turns out that even the *Globe* can't stay in business when its product is being given away without compensation.

But new media outfits are not necessarily better: "content providers" are subsidizing a millionaire named Huffington by working for "exposure." Good for people with academic salaries or trust funds, perhaps, or the express goal of getting invited to talk shows, but it doesn't work for me.

Journalism is work. Cultural work requiring time and expertise. If we save the newspaper business but exploit the people whose work it disseminates, we have only ourselves to blame when talented people flee the industry. When the long tail of online narrowcasting replaces newspapers we can't all be freeloading. Micropayments and revenue sharing, anyone?

Debra Cash

## Alterman Replies

New York City

Debra Cash and I do not disagree. My point was only that if the people of Boston and the staff of the *Globe* expect to rely on the generosity of Times stockholders to subsidize the paper for tens of millions of dollars a year as its survival strategy, this strikes me as a bad long-term bet. I think the business is over as a business. And I think we need to deal with that before we lose the news together with the newspapers that once provided it.

Eric Alterman

## How to Deal With Pirates

Washington, D.C.

I never advocated going into Somalia and "rooting out the pirates," as Karen Rothmyer says in "Misreading the Somali Threat" [May 11]. I stated that if you wanted to eliminate the threat, that is what you would have to do. I do not, however, endorse such a disproportionate strategy. For the record, here is what I do think is right. The United States should support a "grassroots model" of identifying and bolstering existing legitimate authorities, including civil society and traditional clan authorities—except those with links to terrorism, piracy or Islamic extremism. Applying this strategy will take time and face many difficulties. However, such an approach is more likely to lead to success in the long run. To encourage local Somali authorities and statelets to improve their governance and to mature politically, the international community should reward them with the benefits other governments receive—provided they meet clear benchmarks. For instance, to address the situation in Puntland, the international community should demand that local authorities clamp down on piracy and cooperate with international anti-piracy efforts as a key early condition. A similar approach should be used for other Somali regions, tailored to their specific circumstances. If Rothmyer had bothered to ask, instead of just Googling a quote, I'd have told her that.

James Jay Carafano
*The Heritage Foundation*

letters@thenation.com

*(continued on page 34)*

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# The Real Sotomayor

The minute Judge Sonia Sotomayor rose from President Obama's shortlist for the Supreme Court to become his official nominee, the conservative smear campaign against her went from simmer to full boil. Curt Levey of the Committee for Justice repeated unsourced accusations, of the kind first made in an article by Jeffrey Rosen in *The New Republic*, that Sotomayor is "an intellectual lightweight" who was "picked because she was a woman and Hispanic." *National Review*'s Ramesh Ponnuru dubbed her "Obama's Harriet Miers," while his colleague Mark Krikorian whined that "putting the emphasis on the final syllable of Sotomayor is unnatural in English." *Politico* reported that Republicans were weighing how to attack a "Latina single mother," and Mike Huckabee claimed that "Maria Sotomayor" comes from the "far left" and would unduly let her "feelings" influence her decisions.

EDITORIAL

Every element of this right-wing assault is false. Judge Sotomayor graduated *summa cum laude* from Princeton and served as an editor of the *Yale Law Journal* (as did Justice Samuel Alito). Her seventeen years of experience on federal courts vastly outstrips the *combined* years of experience John Roberts, Antonin Scalia and Clarence Thomas had when they were nominated—seven in total. As the author of more than 700 opinions, she has proven herself to be a pragmatic centrist cut from the same cloth as Obama. Indeed, unlike Justice Ruth Bader Ginsburg or Justice Thurgood Marshall, she was not a central member of the legal movements to advance women's and minorities' rights. For example, she once voted down a constitutional challenge to the global gag rule on abortion. Moreover, she has on occasion disappointed progressives with rulings in favor of corporations.

Finally, it should be noted that Judge Sotomayor's first name is, in fact, Sonia and that she has no children. Of course, to a conservative movement bent on running a character assassination based on ugly racist stereotypes, these are inconvenient details. In the long run, however, a party that cannot be bothered to learn or pronounce the names of Latinos, the fastest-growing population in the United States, is surely doomed. Beyond these gaffes, though, there is a principle at stake. Should the law endeavor, as it has admirably done for the past sixty years, to remedy racial and gender inequality? Is that vision of justice compatible with the Constitution?

The Supreme Court's archconservative wing has made it clear that it intends to be the party of No. In one of the earliest tests of the Roberts court, it voted to make it exceedingly difficult for women who had been discriminated against to sue their employers. And in a case the court heard recently on the legality of a key part of the Voting Rights Act, which more than any other piece of legislation is responsible for minority representation in Congress, Roberts, who has emerged as the leading opponent of any legal consideration of race, scornfully argued that the act was unnecessary. If confirmed, Sotomayor will not rule on these particular cases, and there is no way to know how she would rule on similar matters.

Remember, though, that when Senator Obama voted against Roberts's confirmation, he worried not about Roberts's intellect or experience but about his "heart." When nominating Judge Sotomayor, President Obama praised her "empathy." Sotomayor has spoken movingly of how the "richness of her experiences" as a "wise Latina woman" could help her craft better decisions. Conservatives might want to think twice before using that against her.

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Roane Carey: Prussia on the Mediterranean

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# Tiananmen at Twenty

In April and May of 1989, people around the world were inspired by the protests in Tiananmen Square, then horrified when the June 4 massacre turned Beijing streets into urban killing fields. China has changed enormously in the twenty years since then, but the Communist Party's attitude toward 1989 has remained constant. It insists there were no peaceful protests and no "massacre," just "counter-revolutionary riots" that were pacified by soldiers who showed great restraint. It refuses to acknowledge the losses to relatives of the hundreds of victims, tries to keep young Chinese ignorant of what happened and encourages specialists in the West to stop dwelling on 1989.

COMMENT

This approach is part of a larger effort to change the image of the party, so that mention of its name does not bring to mind visions of the Red Guard of the 1960s, anti-Confucian rallies of the '70s or the iconic picture of the lone man confronting a line of tanks. Instead, party leaders would like it to be associated with skyscrapers, sleek department stores and refurbished Confucian temples. These pictures fit in better with the party's view of itself as a pragmatic organization that has moved China forward while honoring traditions, transformed cities into showplaces of modernity and raised the nation's international status and living standards. The 2008 Olympics, seen in this light, was the most expensive rebranding campaign in world history.

The regime's approach to 1989 is open to criticism on moral grounds. It is wrong to claim that the only martyrs of June 4 were a handful of soldiers attacked by crowds. And it is cruel to keep parents of victims from publicly mourning.

The party's version of post-1989 history can also be challenged. Consider, for example, how Perry Link, a leading China specialist, ends his May 17 *Washington Post* review of *Prisoner of the State: The Secret Journal of Zhao Ziyang*, the newly released posthumous memoir of the former party leader who was placed under house arrest for opposing the use of force in 1989. China's rulers "claim they have lifted millions from poverty," Link writes, "but in truth the millions have lifted themselves, through hard work and long hours, and in the process have catapulted the elite to unprecedented levels of opulence and economic power." Rejecting the notion that today's leaders are popular and firmly in control, he closes with this metaphor: "The seal continues to straddle the ball—insecure as ever, but still definitely on top."

These sentences are beautifully wrought. And though I think Link's circus analogy is misleading, I agree with his oft-stated insistence that China specialists need to resist the temptation to put 1989 behind us.

One reason to keep dwelling on 1989 is that common misunderstandings about that year persist, in China and in the West. For example, many Americans still think protesting students were the main victims of the massacre, even though the majority of the dead were workers who had turned out to support the educated youths. Many Americans also misremember those students as people who wanted to bring Western-style democracy to China. The reality was much more complex.

The students did celebrate the virtues of *minzhu* (democracy),

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# Noted.

**MELTDOWN IN MOTOWN:** During the Memorial Day weekend—as that icon of American invincibility, **General Motors**, faced the near certainty of bankruptcy within days—*The Nation* and the **Institute for Policy Studies** hosted a spirited panel discussion at Detroit's Cobo Hall, titled "Meltdown: The Economic Collapse and a People's Plan for Recovery," moderated with passionate intensity by Washington correspondent **John Nichols**. Even as the idea that Detroit would soon endure yet another economic earthquake was so painful as to be nearly unimaginable, the panelists, recognizing that imaginative leadership is precisely what has been missing, brought their creative minds to bear on the question of what might come next for the city—if the interests of the people who live there were put center stage.

In his opening remarks, Congressman **John Conyers** called President Obama the "smartest man in the world, with"—in reference to the composition of the national auto task force—"some of the dumbest advisers." City Councilwoman **JoAnn Watson**, fresh from hosting a public session on making the stimulus package work for Detroit, lamented that so few funds had thus far been made available and brandished her own bold "Marshall Plan for Detroit" to bring the city back to life. *Nation* contributor **Robert Pollin** called for economic policies to promote full employment and living wages and a pro-worker green transition that could see Detroit manufacturing city buses rather than SUVs.

Community leader **Elena Herrada** declared that Detroit must make immigrants welcome, since they are key to its repopulation and therefore to its future. Bestselling author and *Nation* writer **Barbara Ehrenreich** attested to the nickel-and-diming of America, which has led to the destruction of welfare and decent working-class life, while UAW Local 235 member **Dianne Feeley** talked about the urgent need for an autoworker movement with a social agenda distinct from that of industry management. Legendary activist and author **Grace Lee Boggs** sketched out a socialist vision of a society organized around goals other than economic growth.

With a plunging population, a median home price of only $7,500 and the slated closure of twenty-nine public schools this year, there's little good news coming from "the D" these days. But the political leadership on the platform at Cobo Hall pointed to the possibility of a brighter future, the battle for which will be joined by many others at a "People's Summit" in the city, June 14–17, and the US Social Forum next June, when tens of thousands are expected to arrive from across the nation. Organizers are concerned about finding public transportation to bring visitors from the airport.

BETSY REED

**GET ON THE BUS:** "Transit is not just for big cities anymore," announced **David Yarnold** of the **Environmental Defense Fund** (EDF) recently at a showcase for innovative public transit projects targeting suburbs and rural communities. On September 30 the current transportation authorization legislation (SAFETEA-LU) expires. The coincidence of a friend in the White House, a volatile oil market and a vigorous environmental movement has created the most favorable climate yet for comprehensive transportation reform.

Still, "what the public thinks about when they hear transportation," EDF's **Colin Peppard** told me, "are bridges to nowhere and…earmarks." The Transportation for America Coalition, a group of federal and state representatives and organizations, hopes to change that.

One pioneering project is the Omnilink flex route bus system operating in Prince William County, Virginia, aimed at suburban commuters. Buses deviate from their routes to accommodate riders who would otherwise have to drive. The system is particularly life-changing for low-income riders, who spend as much as a quarter of their household budget on transportation.

"Jobs in public transit are existing green jobs," explains **Tammy Bang Luu**, an organizer for transit riders in Los Angeles. Their demands: mandating that at least half of the federal transit budget go toward operating costs, which would result in lower fares and new ridership; and the reversal of the transportation bill's spending formula of roads versus public transit (it's now 80-20 in highways' favor, which is why the legislation is often called "the highway bill").

They're up against deeply ingrained habits and a tough economy, but public transit advocates nonetheless seem to have what it takes to win this round: demand, low cost, a green stamp of approval and that most vital of Washington requirements, a voice.

LAURA C. DEAN

**POST–PROP 8:** As expected, the California Supreme Court upheld **Proposition 8** by a vote of 6-1. It also ruled that the 18,000 same-sex couples who were married last year are still married. The decision naturally angered gays and lesbians, who took to the streets in protest in scores of US cities. But before gay advocates leap to put forth an initiative overturning Prop 8 on the 2010 ballot, they ought to consider the larger gay rights agenda.

Under California law, there is no material difference between marriage and domestic partnership. Not one of those 18,000 married couples got any new rights that domestic partnerships did not already provide; they only acquired the term "marriage." Indeed, in part that's why the court held that Prop 8 was an amendment to the state Constitution and not a broader, more fundamental revision. As the majority opinion argues, "the measure carves out a narrow and limited exception to these constitutional rights, reserving the official designation of the term 'marriage' for the union of opposite-sex couples…but leaving undisturbed all the other extremely significant substantive aspects of a same-sex couple's state constitutional right to establish an officially recognized and protected family relationship."

Meanwhile, in more than a dozen states gay couples have no partnership rights whatsoever; in many states it is still legal to fire someone just because he or she is gay; a federal **Employment Non-Discrimination Act** is stalled in Congress. The decision to sink millions of dollars into another initiative (Prop 8 was the second-most-expensive election in the country in 2008) should take this relative equality into account. Are there more-inclusive movement goals than an initiative that would give only California's same-sex couples the M-word?

RICHARD KIM

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but they spent even more energy denouncing corruption. And while their outlook was cosmopolitan, they were intensely patriotic. They presented themselves as carrying forward a longstanding Chinese tradition: that of intellectuals speaking out against selfish officials whose actions were harming the nation. In addition, the students' grievances were not all purely political. They complained about the party's interferences in their private lives and about its failure to make good on economic promises (Wuer Kaixi, a leader of the student movement, noted that a desire to be able to buy Nike shoes and other consumer goods was among the things that inspired members of his generation to act).

China specialists have another reason to revisit 1989: to stay humble. We pride ourselves on our deep understanding of China, but each of us was surprised by what happened twenty years ago—if not by the fact that a massacre occurred then by how long it took for the tanks to roll; if not by how many people risked their lives to fight for change then by the role rock music played in the protests.

It's also humbling to realize how often post-Tiananmen events have defied our predictions. More than a few observers assumed two decades ago that the Chinese Communist Party would soon go the way of its counterpart in Poland, where Solidarity won a major election on the very day of the massacre. Later, some of us were sure that to survive, the party would either pull back from engaging with the world or reverse the verdict on 1989.

China's rulers have instead combined rigidity about Tiananmen with startling flexibility on other fronts. To minimize the likelihood of a recurrence of 1989 and avoid succumbing to what some Chinese leaders call the "Polish disease" (a Solidarity-like movement), the party has encouraged consumerism (many youths can now buy those Nikes), pulled back from micromanaging campus life (today's students have much more personal freedom than their predecessors) and tried to leap ahead and steer new outbursts of nationalism. It has also treated different kinds of protests in varying ways, using draconian measures to stop any struggle that seems highly organized or that could link people of different classes but showing leniency toward some single-class, single-locale actions. And while dissidents have found exciting uses for new technologies like the Internet and text-messaging, the regime has also proved adept at using these media to discourage protests, disseminate its own interpretations of events and get supporters onto the streets.

How long can the regime keep expressions of discontent from snowballing again into something that threatens its power? This remains an open question, especially in light of the global economic downturn, which has not hit China as hard as it has many other countries but has led to a staggering number of factory closings and prompted an urban-to-rural migration of many workers who are not happy to be heading home. This is a phenomenon to watch, since economic frustrations were a crucial spur to action in 1989 and are likely to figure centrally in the next big challenge the leadership faces from below.

For now, though, the long series of high-growth years provides the regime with a buffer, allowing many who are struggling to think they could do well in the future. The party's real difficulties will come when the memory of the recent upward surge has receded and a broad cross-section of people who have been left behind start to lose hope of prosperous times ahead. This is bound to happen eventually, but not yet. And we should not underestimate the ability of this regime, which has been so effective at defying the odds, to further delay its long-predicted demise.

This is why I think that Perry Link has not quite hit the mark with his image of a seal balancing on a ball. This suggests a performance involving just one trick, whereas China's leaders are continually improvising. The circus act they bring to mind is not a seal but a juggler—the sort who somehow manages to keep a dizzying number of balls in the air, even when new objects are tossed into the rotation.

JEFFREY WASSERSTROM

*Jeffrey Wasserstrom, a professor of history at UC, Irvine, is a co-founder of The China Beat (a group blog) and the author, most recently, of the forthcoming* China in the 21st Century: What Everyone Needs to Know.

## Calvin Trillin, Deadline Poet

### Colin Powell and Rush Limbaugh Battle for the Soul of the Republican Party

Instead of jousting on TV
On how to shape the GOP,
These two, who both cannot be king,
Should get together in the ring
And battle one to one, and then
They'd settle all of this like men.
They'd use mixed martial arts to fight,
Since Rush would want to gouge and bite.
Yes, Rush might show, although spare-tired—
Unless a drug test was required.

# Social Unionism Lives

COMMENT

On May 11 hundreds of workers rallied at a suburban Chicago Hart Schaffner & Marx factory, trying to preserve their jobs and the continued operation of the 122-year-old men's clothing company. Hartmarx Corporation, the parent company of Hart Schaffner & Marx, filed for Chapter 11 bankruptcy protection in January. Workers fear that Wells Fargo, the main Hartmarx creditor, will force the company into liquidation or starve it of operating funds. The fact that the bank received $25 billion in federal bailout funds lends a special moral and political weight to the workers' campaign.

Their fight bridges the history of clothing worker unionism, from formative events a century ago to a current battle over

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its legacy. In the fall of 1910, a walkout by a handful of pants seamers at Hart Schaffner & Marx escalated into a five-month strike by nearly 40,000 Chicago clothing workers. Progressive reformers—including Jane Addams and future New Dealers Harold Ickes and Donald Richberg—backed the strikers. Out of the struggle came a settlement with Hart Schaffner & Marx, the seeds of the Amalgamated Clothing Workers Union and a labor-liberal alliance that would blossom during the presidency of Franklin Roosevelt.

Following the Hart Schaffner & Marx strike, unions transformed the lives of apparel makers by raising wages through industrywide agreements that stabilized hypercompetitive markets. They also provided workers and their families with innovative benefits, including unemployment insurance, union health clinics, nonprofit cooperative housing projects and even summer resorts. In 1923 the Amalgamated Clothing Workers founded its own bank, which continues to operate today. Needle-trade unionists played a central role in the New Deal; they believed that only through state action could economic security be assured and living and working conditions upgraded.

Sadly, just when economic and political circumstances seem propitious for a revitalization of the socially minded unionism that garment workers helped create, an internal fight threatens to sap its momentum. As David Moberg reported [see "Unions, Disunited," March 9], UNITE HERE—created by the 2004 merger of UNITE, which had combined several textile and garment unions, with the Hotel Employees and Restaurant Employees—has been riven by bitter disputes. In March, after HERE leaders made it clear that they planned to oust Bruce Raynor, who had come from UNITE, as president of the merged group—taking control of the organization and its assets—150,000 workers, mostly former UNITE members, left to create Workers United, the group fighting Hartmarx. Workers United then affiliated with the Service Employees International Union (SEIU).

As in many divorces, the split brought out the worst in both parties. Former HERE president John Wilhelm and his allies have claimed all the assets that UNITE brought to the merger, including Amalgamated Bank, and tried to get employers to stop dealing with locals that seceded. Raynor, in an apparent effort to force the HERE side into a settlement, tried to turn members of hotel locals in California and other Western states against their leaders. SEIU president Andy Stern threatened to invade industries traditionally in the HERE jurisdiction. Despite recent efforts to resolve the dispute—a settlement proposal by United Food and Commercial Workers president Joseph Hansen that Wilhelm has endorsed; a pledge by Raynor to stop contacting workers who have chosen to stay in UNITE HERE and his offer, along with Stern, to arbitrate outstanding differences—no end to the UNITE HERE fight is in sight. Already the battle has diverted resources from organizational work; created major strains among activists in California, where UNITE HERE and SEIU have strong bases; and tied the unions up in court. Unless the union leaders resolve their quarrel quickly, it may well do yet more damage to labor's standing at a moment of great opportunity.

The Hartmarx campaign suggests that tectonic shifts in national politics may be creating an opening for the social vision the garment unions embraced. For the first time in a generation, we have a president who openly promotes unionism. When in December workers at Republic Windows & Doors occupied their about-to-be-shuttered Chicago factory, demanding vacation pay and other benefits owed them—an inspiration for the Hartmarx workers—Barack Obama electrified labor by endorsing their demands. (Obama wears Hart Schaffner & Marx suits, having been connected to the firm by Raynor, a longtime supporter.)

Moreover, the reaction to the Hart Schaffner & Marx workers' insistence that bailout beneficiary Wells Fargo balance social needs with financial imperatives reveals how the political center of gravity is shifting. Rather than being curtly dismissed, as it would have been a year or two ago, their plea has received sympathetic national attention, reflecting rising popular anger at banks that seem indifferent to the fate of the "real economy" of producers and service providers. Workers at a Rochester, New York, factory producing Hickey Freeman clothing, another Hartmarx brand, have voted to join Hart Schaffner & Marx employees in a sit-in strike if Wells Fargo tries to liquidate the company. Politicians have jumped to support the clothing workers, including Illinois Congressman Phil Hare, who worked as a Hartmarx clothing cutter for thirteen years, and Illinois State Treasurer Alexi Giannoulias, who threatened to take $8 billion of state funds away from Wells Fargo. The refusal of the bank to support selling Hartmarx to a company that would keep its operations intact recently led forty-three Congress members to write Treasury Secretary Timothy Geithner, urging him to intervene. Given the massive loan of public money to Wells Fargo, the Congress members wrote, "we find it incomprehensible that it would continue to push for the loss of jobs in a viable company."

The squabbling over the breakup of UNITE HERE might suggest that the social democratic vision of needle-trades workers, which helped create the industrial union movement and animate the New Deal, has run its course. But the Hartmarx fight points to something quite different: the relevance of social unionism in an era when financial and political leaders lost their moral compass. The 1910 Hart Schaffner & Marx strikers demonstrated the power of collective action to give workers better lives, more security and greater say about the world they live in. Their belief that organized labor can help democratize society in the interests of all its citizens once again commands our attention.

JOSHUA FREEMAN

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# Return of the Fabulous

You always remember your first. Concert, that is. Mine was Elvis, early '70s, the spangled jumpsuit period. I must have been about 14. I had already spent childhood years grooving to Motown, play-strutting to the Rolling Stones, falling in love with Janis Joplin, bad skin and all. Janis was dead now; so was Jimi Hendrix. I had been enthralled by a clip of Hendrix playing at Woodstock and had thought to myself, innocent of the mad

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specialness of the moment, "I'll be there next time…"

Elvis sure wasn't Woodstock. Some grown folks were saying he was finished, fat, Las Vegas. I was too young to think in hard categories, though, my musical tastes a-jumble, and I found happiness as easily in the soundtrack from *Funny Girl* as in Marvin Gaye's *What's Going On* or Sly & the Family Stone's *Greatest Hits*. My brother took my sister and me to the concert. I remember it opening with bombastic fanfare, extreme lighting, a silhouette in a cape. From out of the haze, Elvis emerged like a visitor from another planet. Powder-blue jumpsuit, thick bejeweled belt, a flowing scarf that he would later swipe across his glistening chest and hand to a besotted fan. All the normal rules seemed suspended. I thought he was fabulous.

The word fit. It would fit even better to describe David Bowie as Ziggy Stardust, Mick Jagger in full glam-rock mode, Freddie Mercury and Queen, Michael Jackson, Sylvester and disco, Bathhouse Bette Midler: a whole musical accompaniment to something new bubbling up in the culture. Not sexual freedom, exactly—that's a bumpy road, with plenty of blind curves along the way—but sexual conscience and the chance for self-definition. What the Stonewall rebellion did for sexual politics, the fabulous in pop culture did for sexual being. Whether as question mark or exclamation, it made us feel that we all might be free one day; in the meantime, we could feel awfully good trying.

The phenomenon of Adam Lambert makes sense on the shoulders of that history. He transformed the fairly banal "singing competition" of *American Idol* into a performance of self-possession and an occasion for all kinds of living-room or Internet chatter about what's masculine, what's "theatrical" (the show's code for too Broadway, too queer) and why artifice is sometimes the surest route to authenticity. It's been a long time coming, but "fabulous" has supercharged its way back into the language of pop culture. And another generation of kids, some of them anyway, are eyes wide in wonder. "I'm only 11 so I don't know what to make of it," a blog-poster wrote after Lambert descended like another visitor from space, part glam rocker, part Goth, singing Michael Jackson's "Black or White" early in the competition: "I ain't scared of no brother/I ain't scared of no sheets/I ain't scared of nobodaayya!/When the goin' gets mean."

Lambert spun and seduced his way through the performance, releasing his now-famous high scream, bringing all the conviction of anyone who's ever been called a freak to the line, "You tell me you agree with me when I saw you kickin' dirt in my eye—yes you did, yeah, yeah," and somewhere in TV-land that 11-year-old was thinking, "It was, well, like, weird but cool."

For those who somehow missed it, for sixteen weeks in a row Lambert played with pop music's trinity of artistry, star power and erotic projection, and then came up short in audience votes on May 20 against a church worship leader from Arkansas called Kris Allen. *American Idol*'s host, Ryan Seacrest, had called the final showdown "the guy next door versus the guyliner." Kris, a small, sensitive, sandy-haired 23-year-old who evokes the coffeehouse school of music, had ditched references to his wife early in the competition, recognizing the value of teenage girl fantasies to his fortunes. Adam, a tall, sweet-faced 27-year-old with bad skin, blue-black hair, earrings and a liking for black nail polish, had once described himself as "your boy next door who decided that he wanted to be a rebel one day, so—I'm a nice rebel." Despite, or maybe because of, photos of him passionately kissing a boyfriend or semi-clad as some woodland nymph at Burning Man, Lambert had his own constituency of teenage girls, fans who blogged that they'd choose to be stuck on a desert island with him because he could "be my friend (!!!!)" or because he's "gorgeous" and understands "hair, make-up, and wardrobe," who identified with him because he said, "I like Rocky Horror" or "I liked the cheerleaders" or "I am who I am."

It's easy to make fun of the teenagers, or to read Kris Allen's coronation as the triumph of red state Christian "values," as easy as writing off popular culture as the degraded effluent of capitalism, and as pinched. Kris may have represented the conventional boy next door to most of the teens and grannies in the audience, but he also represented the iconic boy next door of gay porn fantasies, the clean-cut guy who meets another clean-cut guy and—Action! Adam may have quickened the pulse of girls desperate to figure out how to negotiate sex roles and somehow transcend them, but he also disgusted some gay men as "screechy," flamboyant. Gay web discussions oozed with self-hate in the form of put-downs: "I don't want this queen representing us." The gay vote, a major constituency of *American Idol*, was split.

In the end the voting was pretty silly, or sad. But the desires and fears, longings and confusions, even injuries, behind it—the human conditions that popular culture has always provided a platform for exploring—were given expression every time Adam took the stage. From his audition performance of "Bohemian Rhapsody," his haunting versions of "Tracks of My Tears" and "Mad World" to his anthem call in "Born to Be Wild" to "take the world in a love embrace" and his near-orgasmic interpretation of "Ring of Fire," he was both Everyman and Everygayman: not any one sex so much as every sex, skating the edge of ecstasy and terror, practiced in all the feints and masquerades demanded by ordinary life but unsettled by them, urgent, wanting, driven to kick the table of hardened assumptions, still in 2009, and rearrange the pieces in the hope of feeling real, "Feeling Good."

There is a reason people have always needed troubadours. Years ago a close girlfriend told me, "I want a man who makes me feel like music." What a beautifully simple evocation of eros. The twist, for a straight girl, was that much of the music was imagined, written, performed or inspired by gay men. The double twist, today, is that gay politics, which once made eros a central concern, is focused on something closer to thanatos: hate crime, enhanced penalties, military service, marriage contracts. That is unsurprising. It never was fair to expect that every homosexual, or even most, should shoulder the burden of defying straight culture's every convention and trend. That Adam Lambert projected himself as a natural sexual being at ease in the skin of difference at the same time that those convention-centric issues were all on the political front burner, though, was a clarifying reminder of gay culture's great underappreciated gift to the world. In this time and place, Adam is something of an outlaw, and an outlaw, even a nice, wildly talented, seemingly well-adjusted one, will never win a majority vote. JoANN WYPIJEWSKI

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# Alexander Cockburn

## Derail the 'Hate Crimes' Bandwagon!

We'll get to hate momentarily, but first a word about its consort—marriage. I'm glad to see that California's Supreme Court is not above a bit of economic pump-priming to help bail out the Golden State in its hour of bankruptcy. The court's decision on May 26 to uphold the voters' ban last year on same-sex marriage will ensure that a torrent of money pours into California as the nonprofits and political action committees on both sides prime their bank balances for the next state initiative. Long-term, it's a shot in the arm for the tourist industry, too. Half a century down the road, long lines will be forming in the Castro for visitors to gawk through the window of some antique store at the wizened last same-sex couple legally married before the ban kicked in.

Of course, it also means month after unendurable month of gays whining on TV about the horrors of not being able to "marry." Ban all marriage, I say! If it's a property issue, then write out a contract. There are plenty of simple legal instruments available.

The victims' lobby rules. Assuming child-abusers manage to avoid "civil commitment" (continued incarceration past the stipulated prison sentence), Megan's Law ensures that they will go on paying for their crimes till the day they die. If Megan's Law, why not "Madoff's Law"? Put every person convicted of financial fraud on a computerized list, available for public inspection. Saddle them with endless prohibitions, like no living within thirty miles of a bank or an ATM.

We've got the Matthew Shepard Act before Congress and far advanced on its journey into the statute book. This isn't about equality. It's a ham-handed attempt to right injustice by establishing different legal treatment for some classes of crime victims. America is well on its way to making it illegal to say anything nasty about gays, Jews, blacks and women. "Hate speech," far short of any direct incitement to violence, is on the edge of being criminalized, with the First Amendment gone the way of the dodo. At the end of April the House of Representatives approved and sent on to the Senate a bill formally known as the Local Law Enforcement Hate Crimes Prevention Act, backed by Obama's White House. It classifies as "hate crimes" attacks based on a victim's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability.

Now, there already is a 1960s federal statute on the books proscribing hate crimes based on race, color, religion or ethnic origin, but prosecutors could invoke this law only if the victim was engaged in a "federally protected activity" like going to school or praying in church. No more, if the Senate agrees with the House. Suppose two fellows in a bar see a man come in and, later in the evening, beat him up. He turns out to be gay. Armed with the hate crimes bill, if it becomes law, local prosecutors will have an incentive to pile hate crime charges on top of simple assault and thereby garner federal funding that will be available under the Shepard Act. The suspects then face an "enhancement"—several more years behind bars—for committing a hate crime. Or they are acquitted, and the federal prosecutor promptly moves in. Double jeopardy will metastasize from its already swollen presence in the justice system.

The gay lobby has gone into overdrive for just such a hate crime law ever since Matthew Shepard got beaten to death in 1998 by two roofers on the outskirts of Laramie, Wyoming. It's actually somewhat unclear whether the roofers, one of whom was high on meth at the time, murdered Shepard because they specifically hated gays. Anyway, the murder has put them behind bars for the rest of their lives using tough existing laws. But, starting with Shepard's mother, Judy, the $100,000-plus head of the Matthew Shepard Foundation, gay and "human rights" groups have been fundraising on Shepard's "gay martyrdom" ever since. The Leadership Conference on Civil Rights is a big hate-crime-law proponent, with the American Friends Service Committee the only group in it to have turned against such laws.

The problem with the Hate Crimes Prevention Act is that it creates a thought crime and also categories of crime victims for disparate treatment. Goodbye to equality under the law. How will a prosecutor prove that a lesbian was murdered because of her sexual orientation rather than because she refused to give the mugger her purse? Given the way case law evolves and the manner in which prosecutors advance their political careers, crimes against some types of victims will incur greater penalties, with this injustice spurring resentment.

Advocates for the hate crimes bill insist that it deals only with crimes of violence and has nothing to do with limiting free speech or thought. But as Paul Craig Roberts, a former assistant treasury secretary who wrote a fine book on civil liberties, *The Tyranny of Good Intentions*, wrote recently on the CounterPunch website, which I edit with Jeffrey St. Clair, "All laws are expansively interpreted. For example: The Racketeer Influenced Corrupt Organizations Act (RICO) [passed in 1970] was directed at drug lords. Nothing in the law says anything about divorce; yet it soon was applied in divorce cases."

Federal and state hate crime laws are unnecessary and dangerous. As always, the challenge is to apply existing laws in a manner that constitutes justice, no matter who the victim may be.

I'm glad to say the gay National Coalition of Anti-Violence Programs "opposes legislation that calls for enhanced sentencing penalties for those convicted of hate crimes." Five gay groups have publicly criticized a bill currently before the New York State Legislature—the Gender Expression Non-Discrimination Act—that provides sentencing enhancements for hate crimes. Let others join them. It's disgusting to see liberals rushing into the sentence-toughening business. ■

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# Katha Pollitt

## Amber Waves of Blame

Can we please stop talking about feminism as if it is mothers and daughters fighting about clothes? Second wave: you're going out in *that*?

Third wave: just drink your herbal tea and leave me alone! Media commentators love to reduce everything about women to catfights about sex, so it's not surprising that this belittling and historically inaccurate way of looking at the women's movement—angry prudes versus drunken sluts—has recently taken on new life, including among feminists. Writing on DoubleX .com, the new *Slate* spinoff for women, the redoubtable Linda Hirshman delivered a sweeping attack on younger feminists for irresponsible partying, as chronicled on Jezebel.com, a Gawker-family blog devoted to "Celebrity, Sex, Fashion for Women. Without Airbrushing." Likewise, a silly "debate" over whether *Sex and the Single Girl* did more for women than *The Feminine Mystique* followed the release of Jennifer Scanlon's *Bad Girls Go Everywhere: The Life of Helen Gurley Brown*. As Naomi Wolf wrote in the *Washington Post*, "The stereotype of feminists as asexual, hirsute Amazons in Birkenstocks that has reigned on campus for the past two decades has been replaced by a breezy vision of hip, smart young women who will take a date to the right-on, woman-friendly sex shop Babeland." Pick your caricature.

What's wrong with parsing feminism along a mother/daughter divide? Everything.

First of all, it's chronologically off. If second wavers are those who made the women's liberation movement in the late 1960s and '70s, they are not the mothers of today's young feminists but their grandmothers. Betty Friedan, Bella Abzug, Barbara Seaman and Del Martin are dead. Adrienne Rich is 80, Robin Morgan is 68. Gloria Steinem, still fabulous, celebrated her seventy-fifth birthday on March 25. The wave construct obscures the perspective of women ten or even twenty years younger, like, um, me—in 1966, when NOW was founded, I was a junior in high school—or Susan Faludi (b. 1959), bell hooks (b. 1952) or Anna Quindlen (b. 1952).

The same thing happens at the other end. "Third wave" was indeed intended to define a new generation—it was coined by Rebecca Walker, Alice Walker's daughter—in 1992. The original third wavers, with their reclaiming of "girl culture" and their commitment to the intersectionality of race, class and gender are now touching 40; they hung up their Hello Kitty backpacks some time ago. Many, like Walker, have children: they are the mothers who, today's "young feminists" complain, use up all the air in the room, according to *Nation* writer Nona Willis Aronowitz. But the term continues to be used to describe each latest crop of feminists—loosely defined as any female with more political awareness than a Bratz doll—and to portray them in terms of their rejection of second wavers, who are supposedly starchy and censorious. Like moms. Somebody's mom, anyway.

The wave structure, I'm trying to say, *looks* historical, but actually it is used to misrepresent history by evoking ancient tropes about repressive mothers and rebellious daughters. Second wave: anti-porn; third wave: anything goes! But second wave was never all anti-porn—think of Ellen Willis, for heaven's sake. It even gave us the propaganda term "pro-sex." The ACLU is jam-packed with feminist lawyers of a certain age. In fact, feminists in the '70s and '80s had the same conflicts over pornography that are playing out today among young women over raunch and sex work. You wouldn't know it from the media, but there are plenty of young feminists who do not see pole-dancing as "empowering" and do not aspire to star in a *Girls Gone Wild* video. Ariel Levy's *Female Chauvinist Pigs* sold very well on campus. These women don't fit the wave story line, however, so nobody interviews them. The pairing up on sex issues is old/young, with the older feminist representing sour puritanical judgment.

And that's really strange. After all, today's "asexual, hirsute" 60-year-olds were the original sex-drugs-and-rock-'n'-rollers. In some ways, they were more sexually radical than today's youth, because they made a bigger break with conventional ideas of sexiness. Many a gray-haired women's studies professor was a braless free spirit back in the day. In fact, some of them still are. Nobody wants to hear, though, from middle-aged women with relaxed and generous views about sex, let alone who are still having it. Relaxed and generous do not a catfight make.

There *is* a generational struggle going on, but it isn't over sex; it's over power. For twenty years, young feminists have complained that older women have kept a lock on organizational feminism. Robin Morgan famously told young women who protested that her generation wasn't passing the torch to "get your own damned torch. I'm still using mine." So, tired of being assistants and tokens, they did. Branding themselves as a wave was part of it. By staking their claim on youth, they branded older feminists as, well, old. And old, in America, is not a good thing to be.

While a tactical success for the young, the wave construct has the effect of overemphasizing peripheral issues, like exactly how adventurous a young woman can be before Linda Hirshman thinks she's asking for trouble. Why not acknowledge that there will never be a bright line between pleasure and danger, personal choice and social responsibility, open-mindedness and judgment? The fine points of sexual freedom will all be there waiting for us—after we get childcare, equal pay, retirement security, universal access to birth control and abortion, healthcare for all and men who do their share at home, after we achieve equal representation in government, are safe from sexual violence and raise a generation of girls who don't hate their bodies.

Let's just not call them the fourth wave. ■

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# OBAMA, PROGRESSIVES EXACTING CHANGE AND THE FIGHTS TO COME

ROBERT L. BOROSAGE & KATRINA VANDEN HEUVEL

On May 15, House Energy and Commerce Committee chair Henry Waxman and subcommittee chair Edward Markey unveiled the American Clean Energy and Security Act, addressing a priority of President Obama's reform agenda: the drive for new energy. The bill was both pathbreaking and disappointing, with major compromises from its initial draft. Cuts in carbon emissions that had been pegged at the international standard of 20 percent by 2020 (from 1990 levels) were reduced to 4 percent. Mandates on renewable energy for utilities were slashed. Standards on new coal plants were weakened. Instead of auctioning off pollution permits under a cap-and-trade system (raising revenue to relieve low-income ratepayers and spur investment in clean energy), the bill gives away 85 percent of the permits, with coal utilities, oil refineries and energy-intensive industries like steel getting huge handouts. The subsidies and deals bloated the bill to more than 900 pages, and Republicans introduced so many amendments that Democrats had to hire a speed-reader to get through them. The bill's fate in the Senate is even more uncertain.

Duke Energy, the Edison Electric Institute and various other energy producers praised the bill, along with some conservative coal-state Democrats. The environmental community split: Al Gore, Environmental Defense Fund and others endorsed the bill as an important first step, while Public Citizen, Friends of the Earth and Greenpeace questioned whether it would spur action toward renewable energy in the short term. "This bill has been seriously undermined by the lobbying of industries more concerned with profits than the plight of our planet," Greenpeace declared in announcing its opposition.

The climate bill isn't the only piece of legislation being compromised. Although the major banks are on life support, they were still able to block "cramdown," the linchpin of Obama's mortgage plan, which gives bankruptcy judges the right to reset mortgages of families facing foreclosure. That led Senate majority whip Richard Durbin to fume that the banks "own the place." Credit card companies are less popular than Somali pirates, but they managed to fend off any limit on interest rates they can charge customers.

All of the signature economic reforms the president has promoted—from healthcare to employee free choice—are under siege. Without a grassroots uprising that challenges business as usual in Washington, we aren't likely to get the change we were promised, much less the change we need.

## The Reform Moment

It shouldn't be that tough. All the stars are aligned for launching the greatest era of progressive reform since the 1960s. We face stark crises that require fundamental structural reform. We have a powerful, popular president with a mandate for change—and a majority of Americans yearning for it. Catastrophes have left conservative ideas discredited, and Republicans are leaderless and divided.

Both houses of Congress enjoy large Democratic majorities with arguably the most liberal caucuses in four decades, if not longer. Nancy Pelosi, the strong liberal Speaker of the House, has helped to define and drive reform (one reason she is the target of withering Republican attacks over her comments on the CIA). In the Senate, normally the graveyard of change, Arlen Specter's switch and Al Franken's eventual seating will give Democrats the sixty-vote supermajority needed to shut

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down filibusters and move legislation. This doesn't resolve the difficulty of rounding up sixty votes, but it should concentrate the mind of the majority leader, Harry Reid. Democrats can no longer blame obstructionist Republicans for their inability to move. They will be expected to deliver.

Obama, whose watchword is pragmatism and whose gift is for compromise, has clearly grasped the moment. Whether you consider him a "pragmatic conservative," as Martin Wolf of the *Financial Times* suggests, or "the world's best salesman of socialism," in Republican Senator Jim DeMint's words, the president has been clear that "we cannot go back to the bubble-and-bust economy that led us to this point." We can't "recover" by restoring the old economy—and we should not want to.

Spurning the conventional advice of Beltway pundits to limit his agenda, Obama has acted boldly in response to the crisis. His recovery plan, despite being weakened in the Senate, includes the greatest increase in support for the poor since the Great Society and doubles the federal education budget. His budget calls for dramatic investment in core areas like healthcare and education. (In fact, it is caution, not audacity, that may most retard any recovery and haunt the president, as exemplified by Treasury Secretary Timothy Geithner's bank bailout.)

Obama has also championed issues that progressives have put on the agenda. He has pledged to move forward on new energy, the Employee Free Choice Act (EFCA), common-sense immigration reform, improved funding for education from pre-K to college and reregulating the financial sector to make it smaller and less destructive.

Together these reforms begin to define a new direction for the country, first steps toward a more just and sustainable economy. Needless to say, the administration's ability to chart that course will be largely determined by the path of the recession and the success of the administration's recovery plan, not to mention Afghanistan and Iraq. But these core economic reforms are the centerpiece of Obama's progressive promise.

## In the Trenches

Each of these initiatives rouses the concerns of powerful and deeply entrenched corporate interests. All are mobilizing for a full-scale rumble, deploying legions of Democratic lobbyists and amassing war chests for advertising and "astroturf" campaigns. The healthcare industry tops the list for spending on lobbying in 2009, reporting about $127 million in expenditures in the first three months alone. The lobby's Swiftboat operation, Conservatives for Patients' Rights, vows to spend $20 million to scare Americans about Obama's reforms.

The fight over EFCA "will be Armageddon," threatens Randel Johnson, vice president for labor policy at the US Chamber of Commerce. The *National Journal* reports that the Coalition for a Democratic Workplace, a major business umbrella group, alone has committed $200 million to defeat EFCA.

The fierce struggle over the climate legislation is illustrative. According to the Center for Public Integrity, the climate lobbies had four lobbyists for every member of Congress at the end of last year, up more than 300 percent since 2003. The center reports that a staggering 880 groups and interests on all sides are signed up to influence the bill. The oil and coal industry spent about $76.1 million on ads in the first four months of the year, according to the Campaign Media Analysis Group.

Most of the key reforms—healthcare, energy, EFCA and immigration (but notably not finance)—have sophisticated, independent progressive coalitions driving the issue. Health Care for America Now (HCAN) enlists more than 1,000 groups, with a budget of $40 million; it is already on the air urging support in key Democratic states. The unions may spend more than $100 million supporting EFCA, but they will be outgunned several times over. The environmental community mobilizes thousands of activists and has already expended millions on advertising: together, Gore's Alliance for Climate Protection, the Environmental Defense Fund and the Sierra Club spent $28.6 million in ads over the first four months of 2009. But enviros will be outspent some ten to one in lobbying and three to one in advertising.

The progressive infrastructure built during the Bush years provides Obama with independent capacity that didn't exist in the Clinton years, from media monitoring to grassroots mobilization. Two new groups—Common Purpose Project and Unity '09—were set up and staffed by Obama campaign veterans to coordinate message and field operations in support of major administration reforms. They are complemented by the largest new operation of all, Organizing for America, the 13 million–person donor and activist list lodged at the DNC, which can flood House and Senate offices with calls and letters.

## Sausage-Making

Ironically, the key targets for both the corporate and popular mobilizations are a remarkably small number of legislators. Most are Democrats—the handful of conservative "Blue Dog" and DLC representatives and their equivalents in the Senate—plus a few moderate Republican senators who aren't wedded to obstruction. House Republicans can do little but howl at the wind. The president's greatest challenge in passing reform is thus garnering support from his own party, not from the opposition.

Obama's leadership style encourages compromise: he lays out a broad vision, eloquently makes his case and invites all the stakeholders to the negotiations—paying special attention to efforts that forge common ground. For example, the climate bill used as a blueprint the plan released by the US Climate Action Partnership, which brought leading environmental groups like the Natural Resources Defense Council and the Pew Center on Global Climate Change together with giant companies like PepsiCo and Ford and many top energy providers.

Obama then allows Congress to work out the legislation, often counting on Pelosi to ensure that strong committee leaders drive the negotiations. White House aides, marshaled by chief of staff Rahm Emanuel, help to cut deals and build consensus backstage. Citizen groups are called upon to support the resulting legislation and to target swing legislators.

The White House mantra is, Never let the perfect be the enemy of the good. The president doesn't single out the Democrats standing in the way; he prefers compromise to pitched

*Robert L. Borosage is co-director of the Campaign for America's Future.*

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battle, particularly within his party. A senior White House aide has described Obama as a "raging minimalist," by which he means someone who believes that you should put all the parties at the table, find out what can be agreed upon and go with that.

Obama's emphasis on gaining as much consensus as possible, and his reluctance to challenge publicly the interests or legislators seeking to delay or dilute reform, has no doubt won him some support he might otherwise not have had. Corporate trade associations are seeking to shape reforms on climate and healthcare rather than to blow them up. But the emphasis on backstage compromise also weakens the president's ability to challenge the balance of forces in Congress by mobilizing public outrage. When a compromise is struck, progressives are asked to join the president in supporting it and to mute their criticisms. Passage of the recovery plan and the president's bold budget outline bear testament to that strategy. And no doubt, whatever progress is made on healthcare or energy or workers' rights will be in stark contrast to the black hole of the Bush years.

The danger is that this process may make the weak the enemy of the good. Legislated reforms always reflect the gulf between what is needed and what is possible. That gulf is very wide despite the economic crisis and the sea-change elections, because corporate lobbies still hold sway in Washington. Many Congressional liberals worry that there isn't enough push to overcome the opposition, particularly in the Senate. We could see a series of reforms with the heart cut out of them—healthcare without a good public plan, energy without strong cap-and-trade and renewable energy standards, EFCA without card check or binding arbitration—and immigration may not even make it to the table. To change that balance, the president may have to put his popularity on the line—or citizens may have to change the terms of the debate.

Compromise is inevitable. The hard question is whether the compromise opens the door to greater progress or forecloses opportunity. A weak public plan will make it hard to get healthcare expenses under control while extending care to all. Timid cap-and-trade standards won't spark the drive for renewable energy or substantially reduce carbon emissions. Without significant reform, workers' ability to organize won't improve all that much.

Moreover, the reform moment may not last long. Given the economic devastation and the wars abroad, the president's popularity is more likely to decline than to rise. Parties in power tend to lose seats in the first midterm election of a new presidency. If unemployment is still increasing next year, as seems likely, the Republican opposition could find its voice. Conservative Democrats and their corporate allies could grow bolder. And as bankers are bailed out while autoworkers get their pink slips and an increasing number of homeowners receive foreclosure notices, citizens could become disillusioned with the party in power.

## The Progressive Challenge

Obviously, progressives can have the greatest impact by mobilizing voters to challenge those who stand in the way of reform. Legislators too often are more attuned to the needs of their donors than to those of their constituents. Many conservative Democrats seem wedded to old arguments, oblivious to the impact of the crisis on the people they represent. Independent organizing can have a significant effect, particularly in a time of dramatic change.

To forestall crippling compromises, reform coalitions must define the scope of the campaign early. Clear red lines must be drawn around the heart of the reform, putting everyone on notice that compromise beyond a certain point is a deal-breaker. Progressives should also be exposing the lobbyists, pointing out the parochial concerns and wrongheaded ideas of those opposing change, and mobilizing support in targeted states and districts. The pain of standing in the way should be made greater than the benefit.

HCAN has exemplified this strategy. The coalition helped to introduce comprehensive healthcare reform into the presidential campaign—itself a compromise from the single-payer plan designed to appeal to the 90 percent of voters who have some kind of coverage. HCAN then focused on the public plan, detailing its importance and anticipating that the insurance companies and Republicans would target it. When key Senate Democrats like Max Baucus and Ben Nelson began raising doubts about the public plan, HCAN worked with Progressive Caucus leaders to change the calculus. The caucus polled its members and released a statement that the majority of them would vote against any reform that did not include a strong public plan. They were soon joined by the Hispanic, Black and Asian-American Caucuses. At last count, more than 100 liberals have pledged to vote against any reform without a public plan. This provides a counterbalance in the negotiations and may help stiffen the leadership's spine. At the same time, HCAN has sponsored ads in recalcitrant legislators' districts, often singling them out by name.

The Obama administration prizes coordination of message and mobilization, and prefers that disagreements be aired in the back rooms rather than in the streets. White House aides argue that going after legislators—particularly Democrats—publicly could make it harder for the administration to deal with them. This is, of course, particularly true for Organizing for America, run out of the DNC. But conservative legislators are likely to be skeptical of any White House claim that this most popular president couldn't curb the activities of progressive groups if he chose to.

At this point, most of the national constituency groups—labor unions, environmental groups, MoveOn—have organized independently to drive their causes. But they've chosen to cooperate with the White House, often muting disagreements on message or tactics.

## Driving Progressive Change

The fate of the climate bill, cramdown, credit card and healthcare legislation, along with the fight over the rest of the agenda, suggests the limits of this strategy. Clearly, the balance of forces remains biased against significant reform. With Republicans committed to obstruction, only a few Democrats are needed to force major concessions or block key legislation.

We need a grassroots uprising against business as usual in Congress. The White House won't find it easy to spark that and may not support it. But without a movement that exposes

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legislators to the fury of their constituents, and challenges the cozy relationships between moneyed interests and incumbents, we risk blowing the greatest moment for reform in decades.

Moreover, independent organizing is vital because Obama's agenda—as he admits—is a beginning, not the end. Though it is ambitious, it is, not surprisingly, both imperfect and incomplete. Although reluctant to challenge a popular president, progressives have begun to question some of his initiatives. Joseph Stiglitz, Paul Krugman and a range of economists have criticized the bank bailout and sounded a call for a second round of stimulus spending. Fifty-one progressive House members voted against funding for escalation in Afghanistan, and many are calling for a clear exit strategy. And when Obama reversed his position on military tribunals and releasing the torture photos, this magazine and the human rights and civil liberties community responded with an uproar.

We also need to expand the agenda for reform. For example, if we are to make the investments vital to our future, as the president has called for, a sustained expansion of public investment is essential—and that will require a far bolder tax policy. Under current projections, domestic discretionary spending will decline to the lowest percentage of the economy since the early 1960s. We need a campaign for sustained investment linked with progressive tax reform to pay for it, featuring a higher rate for high-income earners, a tax on stock transactions to limit speculation, a crackdown on tax havens and taxation of income from wealth at the same rates as that from work.

Similarly, Obama has largely embraced America's role as GloboCop and calls for sustaining military budgets that are nearly as large as the rest of the world's combined. As the escalation in Afghanistan indicates, the American posture virtually guarantees involvement in constant wars and interventions across the globe. Changing this unsustainable strategy will require creative thinking about security and how to argue for it.

The struggle over financial regulation has only begun. The contrast between the treatment of bankers and the treatment of autoworkers and suppliers—between those, in Steelworkers president Leo Gerard's phrase, who shower before work and those who shower after work—has not gone unnoticed. Congress has passed legislation to set up an independent commission with subpoena power to detail what went wrong in the financial collapse and demonstrate the fraud, greed and regulatory malfeasance that drove us into this mess. Progressives should be pushing hard for aggressive hearings to help provide the popular mandate for fundamental reforms: restructuring firms "too big to fail," limiting leverage, outlawing exotic financial instruments, controlling consumer and credit card gouging and returning finance to its position as the servant, not the master, of the Main Street economy.

At the beginning of the administration Rahm Emanuel famously said, "You never want a serious crisis to go to waste." With Obama's leadership, Washington will produce reform. But even with coordinated efforts to support his agenda, it is likely to be deeply compromised unless an independent movement challenges business as usual and forces far bolder changes than Washington now thinks possible. ■

# Torture and Truth

Americans' insistence on turning away from the past is preventing us from building a future.

**by JONATHAN SCHELL**

It has fallen to President Obama to deal with the policies and practices of torture inaugurated by the Bush administration. He started boldly, ordering an end to the abuses, announcing the closing in one year of the detention camp at Guantánamo and releasing the Bush-era Justice Department memos authorizing torture. Subsequently, he seemed to grow cautious. He discouraged formation of an independent commission to investigate the torture and reversed a previous position in favor of releasing Pentagon photos of abuses and instead opposed release. In his May 21 speech at the National Archives, he seemed to try to create a framework for understanding his policies, but they remained very much a work in progress. He surprisingly embraced a number of Bush policies, including military commissions for trying detainees, the use of the State Secrets privilege to protect information in court and the indefinite use of preventive detention—all to be revised in ways that were left vague or unspecified. Yet among these reversals and improvisations, one very general preference has remained steady. Throughout, Obama has expressed a desire to concentrate on the "future" rather than the "past." As he put it a while back, he is bent on "getting things right in the future, as opposed [to] looking at what we got wrong in the past." Or as he said in the National Archives speech, "We need to focus on the future" while resisting those "with a strong desire to focus on the past."

TIM LANE

But can the United States really get things right in the

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## THAT'S WHY SO MANY SOMEBODIES READ IT.

***Mike Farrell is a longstanding* Nation *reader.***

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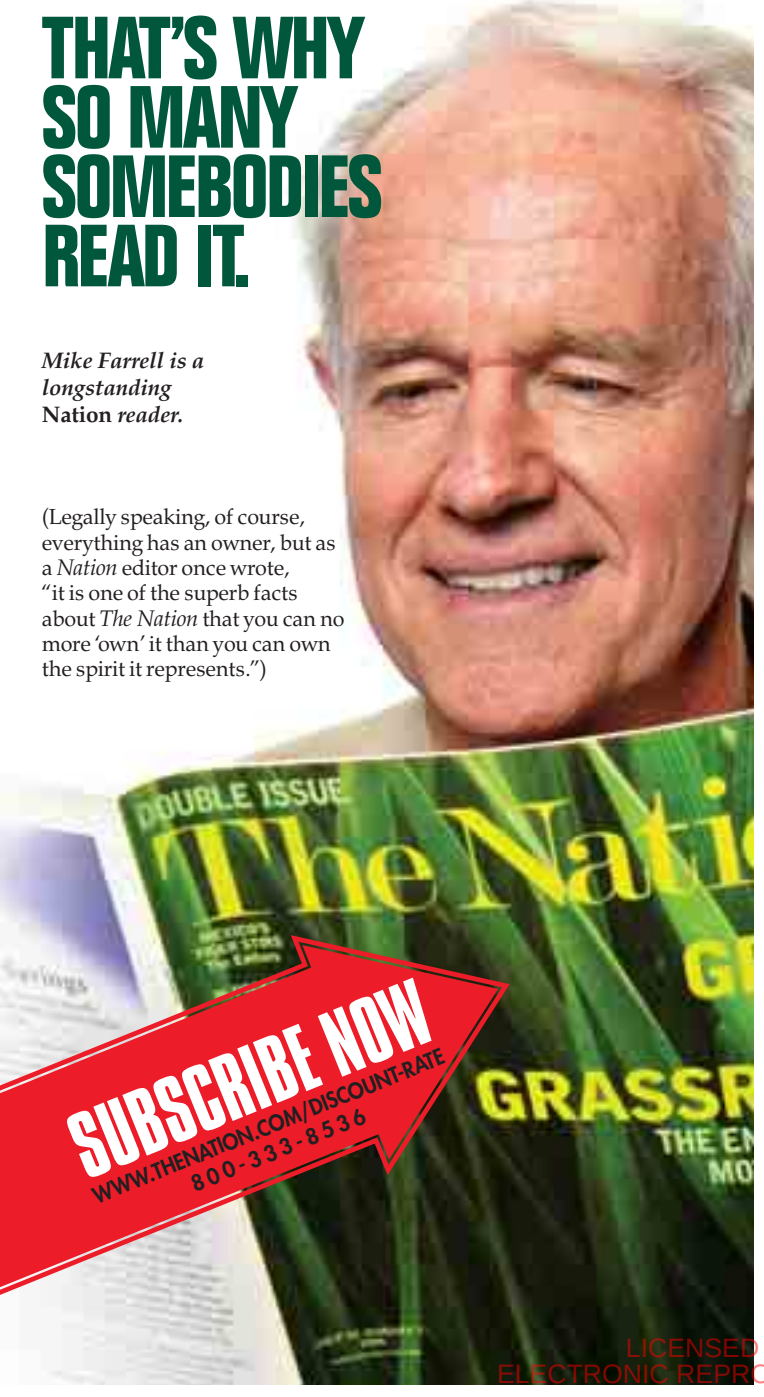





future by turning away from the past? For one thing, the factual record is still incomplete. For another, the reasons for what went wrong aren't as clear as they might at first seem. Why did the United States make the decision for torture? What changes does it portend for American life? It seems likely that getting things right will depend on having answers to these questions.

When the full history of the Bush administration is finally told, one event may prove iconic: the torture of the Al Qaeda operative Ibn al-Shaykh al-Libi, who recently died, allegedly by his own hand, in a prison in Libya, where he was sent by the United States. Libi was captured in Pakistan in late 2001. At first, he was interrogated by the FBI, and he provided useful information on the inner workings of Al Qaeda. But more was wanted from him. The Bush administration, hellbent on justifying its forthcoming invasion of Iraq, was ransacking the intelligence bureaucracy to find or produce two things that, it turns out, did not exist: weapons of mass destruction programs in Iraq and cooperation between Al Qaeda and the regime of Saddam Hussein. Pressure to find evidence of both intensified in 2002.

At the same time, the practice of torture—authorized by the White House, the Justice Department and the Pentagon—was spreading throughout the intelligence and military establishments. Soon, prisoners were being tortured to provide evidence of the Al Qaeda–Saddam link. As Col. Lawrence Wilkerson, former Secretary of State Colin Powell's chief of staff, has stated, the "harsh interrogation in April and May of 2002…was not aimed at pre-empting another terrorist attack on the U.S. but discovering a smoking gun linking Iraq and Al Qaeda." And according to the recent Senate Armed Services Committee report on the treatment of detainees, a former Army psychiatrist, Maj. Charles Burney, has confirmed the charge. "A large part of the time," he told Army investigators, "we were focused on trying to establish a link between Al Qaeda and Iraq and we were not successful.… The more frustrated people got in not being able to establish that link…there was more and more pressure to resort to measures that might produce more immediate results." The CIA took custody of Libi and began to expose him to abuse. Next, it "rendered" him to Egypt, where he was subjected to, among other torments, severe beatings and confinement in a tiny cage for more than eighty hours. He then produced the desired false statements linking Al Qaeda with the Iraqi government.

Just as minute specifications for torture were flowing down through the ranks of bureaucrats from the Justice Department, the Pentagon and the White House (where an array of abuses was once demonstrated to high officials, reportedly including cabinet members), so the results of the torture were flowing upward. By this route, Libi and his testimony were destined for a history-making role. The centerpiece of Powell's speech before the UN Security Council justifying the invasion of Iraq devoted a full nine paragraphs to a "senior terrorist operative" who "fortunately…is now detained." Libi, though unnamed, was the star of the performance. Powell unwound a long tale of terrorists and weapons of mass destruction (all subsequently disavowed by Libi as well as otherwise discredited). Al Qaeda,

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Powell said, had been pursuing weapons of mass destruction in Afghanistan but, finding the resources inadequate, had needed "to look outside of Afghanistan for help." So "they went to Iraq," where they received "chemical or biological weapons training." Thus did Powell weave together the two main fabrications about Iraq—that it was pursuing weapons of mass destruction and was cooperating with Al Qaeda. And Iraq's avowals to the contrary? "It is all a web of lies," he said.

The moment is worth dwelling on. In the most dramatic and widely watched presentation of the case for war, the secretary of state, a man of high reputation at home and abroad, was conveying perjured testimony exacted by torture to the entire world in its appointed agora, the UN Security Council. Without knowing it, the assembled representatives had been dragged into complicity with a hidden system of torture. The war, as we learned later from the photos of Abu Ghraib, produced torture. But before that happened, torture had produced the war.

The event shows in microcosm the relationship of torture and truth. Supposedly, the aim of torture is to produce information. But its likelier outcome is to produce misinformation—which may be what is desired. A recent *Washington Post* cartoon by Tom Toles sums up the point. A torturer stands over his victim, who is on his back on a waterboard. The torturer says, "There's the problem of getting false information." Dick Cheney, standing next to him, responds, "Problem??"

This purpose of the Bush-era torture is inscribed in its origins. In the Korean War, the Chinese invented torture techniques whose aim was to force American prisoners of war to make false confessions of participation in war crimes for use in propaganda. Since false confessions, not information, were the desired product, a heavy emphasis was placed on sensory deprivation and other techniques for producing mental breakdown. Later, in the so-called Survival, Evasion, Resistance and Escape program, the US military tried to train soldiers to resist confessing by subjecting them to milder variations of the techniques. It was these that the Bush administration turned back to their original use—which, of course, had been (and again was) not obtaining information but producing propaganda.

In a passage that uncannily anticipated the Powell speech, Elaine Scarry wrote in her classic work *The Body in Pain* that torture "permits one person's body to be translated into another person's voice" and "allows real human pain to be converted into a regime's fiction of power." The victim's world is "shattered" by torture. More than any other experience, extreme pain shuts a person up in a world of incommunicable agony. Jacobo Timerman, who underwent torture at the hands of the Argentine generals in the late 1970s, has written that even as he was tortured he tried to think how to communicate the experience to others in words but was unable. The torturer, inversely, asserts and expands his world—his word—at the expense of the shattered world of the victim, as Powell did at the UN. For, as Scarry writes, "the torturer and the regime have doubled their voice since the prisoner is now speaking their words."

But why is the gain only the "fiction of power"? It might seem that more than any other activity torture is an exercise in absolute power. The torturer can do anything he dreams up to the perfectly helpless prisoner. He can take his time deciding what torments to impose. He can slam the prisoner's head against a wall, waterboard him, order him to pray to a God not his own, smear his face with feces, lock him up in a small box, keep him awake for a week, hang him from the wall and beat him to death—all things that have been done in American detention centers since 9/11. But what is that power, and how far does it extend beyond the torture chamber? Scarry observes that the state, in denying the victim's pain, "converts the vision of suffering into the wholly illusory but, to the torturers and the regime they represent, wholly convincing spectacle of power." And it is "precisely because the reality of that power is so highly contestable, the regime so unstable, that torture is being used." Libi's behavior is a case in point. He produced material to buttress an illusion. The illusion was deployed to open the way to a war. The war had a high cost precisely in the currency of the power of the United States. Power to produce fantasy is not power in the real world, and the Iraq War has been a disaster in that real world.

It's no accident, then, that the United States approved torture at the highest levels of government exactly at the moment it began the most precipitous decline in global power in its history. Torture is one more sign of this weakness, which it feeds. It is a mere pantomime of the power notably missing elsewhere. In the torture chamber, the sole superpower still feels super, almost omnipotent. It is not so in the villages of Afghanistan, Iraq and Pakistan's Swat Valley, or in Pyongyang or Tehran. The cult of force can create an illusion of power in the "black site" prisons. Even the illusion is missing outside them.

The wound goes deeper. Even as the torturer shatters the world of his victim, he assaults the foundation of his own world, although he does not know it. Indeed, his blindness is a consequence of the torture, even a condition for it. The torturer and his victim are close to each other. There is physical contact. Yet in every other respect they are as distant as it is possible for one person to be from another. In the moral and affective vacuum that has been generated, sympathy, empathy, pity, understanding—every form of fellow-feeling—have been reduced to absolute zero. That is why torture is always, in Scarry's words, an "undoing of civilization," and, probably more reliably than anything, it foretells the descent of a civilization into barbarism. The power of the state that tortures may be increasingly fictional, but the degradation of its civilization is real.

Those symptoms are brought on, of course, not just by the torture but by society's reaction to it. The interrogator faces his choice when the order to torture comes down from on high. The people face their choice when reports of what he did are made public, as is happening. If the people choose denial, the pathology of torture tends to reproduce itself in the society at large. The result is a kind of cognitive dislocation, which can be more or less severe. Fundamental human capacities begin to atrophy or are impaired. Certainly, abuse of human beings and abuse of words go hand in hand. The words that name the deed fog over, or are driven from the language. Refusal to face the

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fact of torture has cost us the very word "torture," now widely referred to, as if in obedience to some general edict, as "enhanced interrogation techniques" or "harsh methods." Torture's writ thus runs in the editorial rooms of newspapers.

Other words drift free from their appropriate contexts and float into inappropriate ones. For example, in a statement responding to the recent release of memos from the Office of Legal Counsel authorizing forms of torture, Dennis Blair, the director of national intelligence, objected to "pain" that had been caused. But he did not mean what one would have thought—the pain of the victims. He meant the torturers' pain upon finding themselves censured for their abuse. Recalling the discomfort of operatives who had been called to account after the Vietnam War, he said that he could "remember well the pain of those of us who served our country even when the policies we were carrying out were unpopular or could be second-guessed." Now, he complained, "We in the intelligence community should not be subjected to similar pain." In this response, the screams of the tortured had been shut out and only the whining of the torturers could be heard. (Blair's statement prompted a pitch-perfect satire on the blog Balkinization by David Luban, who penned a mock inquiry into whether "'second-guessing' would violate the prohibition on torture found at Section 2340A of title 18 of the United States Code." He found that it did.)

Or consider the frequently made charge that indictment of those who performed or ordered torture would amount to "criminalizing policy decisions." In this accusation, those who really criminalized policy—that is, those who ordered crimes as a matter of policy—are given immunity by charging those who would prosecute the crimes with "criminalizing." Torture, after all, was made criminal not by those who would apply the law but by those who drafted and passed the law, including Title 18 of the US Criminal Code. The application of that law no more "criminalizes" any deed than a prosecutor criminalizes bank robbery when he indicts a bank robber.

At an even deeper level, the bonds that connect the very tenses of human life—past, present and future—may start to come unglued. It is in this context that our new president's determination to get things right in the future by ignoring what went wrong in the past is troubling. Here, the past per se is at risk of being demeaned by a sort of guilt by association with torture. The other two tenses, though seemingly preferred, do not escape unharmed. The danger is most obvious in the legal system, where it is precisely the past—the precedent of law plus the factual record of the case—that determines the future to be taken. Someone brought into court for dealing drugs is not invited to say to the judge, "Let's not look at the past; let's concentrate on getting the future right." But more than the legal system is at stake. For whatever else civilization may be, it is surely intercourse between past, present and future. Without the past to guide it, judgment about the future is reduced to clueless conjecture, and without informed judgment about the future, we wander lost in the present.

Better to look the torture in the face and having looked, to remember, and having remembered, to respond, and having responded, to call those responsible to account so that we never do this again. ■

# The Selling of School Reform

Charter and merit pay advocates make up in lobbying what they lack in community support.

**by DANA GOLDSTEIN**

It sounds like the beginning of a bad joke: Al Sharpton, Newt Gingrich and Mike Bloomberg—all failed presidential hopefuls—arrive at the White House for a joint meeting with President Barack Obama. Upon leaving the Oval Office, they convene a press conference on the White House lawn.

But far from tearing one another to bits or sniping at the man whose job they coveted, these unlikely comrades—a self-appointed civil rights spokesman, a former Republican Speaker of the House and a billionaire New York City mayor—were in total agreement. The topic of the meeting? Schools.

"You have to hold people accountable, and those that perform should be the ones that teach our kids, and those that don't, unfortunately our children are just too important," Bloomberg said, referring to his support for teacher merit pay.

TIM LANE

Sharpton intoned, "The nation's future is at stake, our children [are] at stake."

Education Secretary Arne Duncan was there to lend the administration's support. "There's a real sense of economic imperative," he said. "We have to educate our way [to] a better economy."

Though the media portrayed the meeting as one among "strange bedfellows," in fact Sharpton, Gingrich and Bloomberg are all on the same side of the education policy debate roiling the Democratic Party. The three are spokesmen for the Education Equality Project (EEP), an advocacy group that has attracted widespread media attention since its June 2008 launch, in large part because of its bipartisan call for policies like merit pay and the expansion of the charter school sector. With the

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# A Demilitarized Palestinian State (II)

## Should Israel, should the world rely on it?

It is the declared policy of the United States government (and of most of the world) that in order to bring peace to the Middle East, the creation of a Palestinian state – the two-state solution – is indispensable. Even many Israelis have come to agree with that. But it is generally understood and taken for granted that such a state, which would essentially consist of Judea/Samaria (the "West Bank") and Gaza, would have to be totally demilitarized.

### What are the facts?

**Israel is a very small country.** Israel is surrounded by enemies. It is a very small country. Including the Golan and the "West Bank," it is only one-half the size of San Bernardino county in California. Israel concluded peace with Egypt in 1978 and some years later with Jordan. Most other Arab states are still in a declared or undeclared state of war with Israel. Iran, Muslim though not Arab, is the most determined and deadly of them all. It lurks in the background, its foremost military and political objective being the destruction of the State of Israel, which is quite openly declared.

> "One can only hope that the Israeli people... and the government of "Bibi" Netanyahu will understand the peril [of a Palestinian state] and will act accordingly."

Recent events in Gaza, regrettably, are an indicator of what Israel could expect from an independent Palestinian state, even though declared to be "demilitarized." Hamas, the terror organization in control of Gaza, has lobbed close to 10,000 rockets into Israel. Until now, these rockets have been of relatively poor quality, of fairly short range, and of limited accuracy. Even so, they have caused much damage and injuries and have put the Israeli localities affected into an almost constant state of alarm, making normal life impossible.

Even after the hard lesson that Israel taught Hamas in the recent short war, the terror continues: rockets fall almost daily on the Israeli cities within range. But, supplied by Iran and China, and smuggled through tunnels from the Sinai into Gaza, much more sophisticated rockets are now making their appearance. Larger population centers such as Beersheba and Jerusalem are coming within range.

**Demilitarization is a myth.** Nobody can reasonably doubt that even if Israel, under the never-ending pressure of world opinion, were to relinquish control of the "West Bank," a scenario similar to what happened and continues to happen in Gaza would prevail. Even if the "West Bank" Palestinians would wish not to become an armed camp similar to Gaza, the reality is that the Arab nations would not allow that. In contrast to Gaza, which is isolated from the world and which can be reached only through tunnels made and used under the "watchful eyes" of the cooperating Egyptians, the "West Bank" is totally accessible. The "Palestinian Authority," which is in control of the "West Bank," has thousands of trained soldiers disguised as police. Those so-called police are poised to be helicoptered in minutes to positions on the border with Israel, with armed forces from Syria reaching them within the same night. But such mobilization of the "demilitarized" Palestine would not even be required. As the Gaza experience shows, the weapons of preference of the Palestinian terrorists are rockets – either the Qassam, which are raining on Israel from Gaza, the Soviet-made Katyushas – highly efficient, truck-mounted and mobile, which are ideal for hit-and-run raids against Israel – or the even more advanced Iranian and Chinese missiles, that are now in the pipeline. Israel could not prevent them from flooding the "West Bank." A look at the map makes clear that even with the missiles of present performance and a hostile and not at all "demilitarized" Palestine covering Israel with missiles from Gaza and from the Judean ridges of the "West Bank," virtually all of Israel would be under the Palestinian guns, from every point of the border, which would by then have lengthened from about 60 miles to over 200 miles. Virtually all of Israel's population centers would be within range. So would virtually all of the country's industrial centers, the military establishments and the country's only international airport. Life in Israel would quite literally grind to a standstill.

While the idea of a Palestinian state may have some merit, there is abundant proof – the most recent being the continuing rocket attacks from Gaza – that such a state, whatever the promises at its creation, would represent an immediate existential threat to Israel. There has never been such a Palestinian state and the creation of such a state is not the primary nor even the secondary goal of the Arabs. Their primary and never-changing goal – overshadowing everything else – is the destruction of Israel – "wiping it off the map," to use the fanatic Muslims' favorite phrase. After unwisely having turned Gaza over to the Palestinians, yielding the "West Bank" to its sworn enemies would make Israel indefensible. Israel would be laying the groundwork for its own destruction. Tanks, warplanes, and infantry battalions would only be needed for the final mopping-up process. In the meantime, the missile batteries located in Gaza and on the Judean ridges – Israel's proposed new borders – would suffice to paralyze life and industrial activity in Israel. One can only hope that the Israeli people and Israel's new government under "Bibi" Netanyahu will understand this peril and will act accordingly.

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support of rising star Democrats like Newark, New Jersey, Mayor Cory Booker and Washington, DC, Mayor Adrian Fenty, the EEP and such allied groups as the political action committee Democrats for Education Reform—have openly pushed back against the influence of teachers unions, community groups and teachers colleges over national education policy. Proclaiming themselves "reformers," they often borrow their strategies from the private sector, and they believe urban public schools must be subjected to more free-market competition.

On the other side of the divide is a group of progressive policy experts and educators who published a manifesto during campaign season called *A Broader, Bolder Approach to Education*. They believe teachers and schools will not be able to eradicate the achievement gap between middle-class white children and everyone else until a wide array of social services are available to poor families. They envision schools as community centers, offering families healthcare, meals and counseling.

Theoretically, there is no reason all these people can't work together. Some charter schools, after all, have had extraordinary success in raising the achievement of low-income students—even, in some cases, with the cooperation of teachers unions. Many younger teachers appear enthusiastic about performance-based pay, although there is no evidence from the cities that have tried it, like Denver, that it improves student achievement. Yet the single-mindedness—some would say obsessiveness—of the reformers' focus on these specific policy levers puts off more traditional Democratic education experts and unionists. As they see it, with the vast majority of poor children educated in traditional public schools, education reform must focus on improving the management of the public system and the quality of its services—not just on supporting charter schools. What's more, social science has long been clear on the fact that poverty and segregation influence students' academic outcomes at least as much as do teachers and schools.

In allying itself with the reform camp, the Obama administration risks alienating supporters with a more nuanced view of education policy.

Obama's decision to invite representatives of only one side of this divide to the Oval Office confirmed what many suspected: the new administration—despite internal sympathy for the "broader, bolder approach"—is eager to affiliate itself with the bipartisan flash and pizazz around the new education reformers. The risk is that in doing so the administration will alienate supporters with a more nuanced view of education policy. What's more, critics contend that free-market education reform is a top-down movement that is struggling to build relationships with parents and community activists, the folks who typically support local schools and mobilize neighbors on their behalf.

So keenly aware of this deficit are education reformers that a number of influential players were involved in the payment of $500,000 to Sharpton's nearly broke nonprofit, the National Action Network, in order to procure Sharpton as a national spokesman for the EEP. And Sharpton's presence has unquestionably benefited the EEP coalition, ensuring media attention and grassroots African-American crowds at events like the one held during Obama's inauguration festivities, at Cardozo High School in Washington.

"Sharpton was a pretty big draw," says Washington schools chancellor Michelle Rhee, recalling the boisterous crowd at Cardozo. Rhee is known for shutting down schools and aggressively pursuing a private sector–financed merit pay program. Some of the locals who came out to hear Sharpton booed Rhee's speech at the same event, despite the fact that her policies embody the movement for which Sharpton speaks.

The $500,000 donation to Sharpton's organization was revealed by New York *Daily News* columnist Juan González on April 1, as the EEP and National Action Network were co-hosting a two-day summit in Harlem, attended by luminaries including Chicago schools CEO Arne Duncan. The money originated in the coffers of Plainfield Asset Management, a Connecticut-based hedge fund whose managing director is former New York City schools chancellor Harold Levy, an ally of the current chancellor, Joel Klein. Plainfield has invested in *Playboy*, horse racetracks and biofuels. But the company did not donate the money directly to Sharpton. Rather, in what appears to have been an attempt to cover tracks, the $500,000 was given to a nonprofit entity called Education Reform Now, which has no employees. (According to IRS filings, Education Reform Now had never before accepted a donation of more than $92,500.) That group, in turn, funneled the $500,000 to Sharpton's nonprofit.

If one person is at the center of this close-knit nexus of Wall Street and education reform interests, it is Joe Williams, who serves as president and treasurer of the EEP's board and is also the executive director of Education Reform Now. But it is through his day job that Williams, a former education reporter for the *Daily News*, exerts the most influence. He is executive director of Democrats for Education Reform (DFER), a four-year-old PAC that has gained considerable influence, raising $2 million in 2008 and demonstrating remarkable public relations savvy.

The group's six-person team works out of an East Forty-fifth Street office donated—rent-free—by the hedge fund Khronos Capital. In recent months, DFER has had a number of high-profile successes, chief among them a highly coordinated media campaign to call into question the work of Obama education adviser Linda Darling-Hammond, once considered a top contender for the job of education secretary. During the same week in early December, the *New York Times*, *Washington Post*, *Wall Street Journal* and *Boston Globe* published editorials or op-eds based on DFER's anti–Darling-Hammond talking points, which focused on the Stanford professor's criticisms of Teach for America and other alternative-certification programs for teachers. Less than two weeks later, Obama appointed DFER's choice to the Education Department post, Chicago schools CEO Duncan.

During campaign season, DFER donated to House major-

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ity whip James Clyburn, Senator Mark Warner and Virginia swing district winner Representative Tom Periello, among others. The organization regularly hosts events introducing education reformers like Rhee and Fenty to New York City "edupreneurs," finance industry players for whom education reform is a sideline. DFER is focused on opening a second office, in Colorado, a state viewed as being in the forefront of standards- and testing-based education reform. The group successfully promoted Denver schools superintendent Michael Bennett to fill the Senate seat vacated when Obama named Ken Salazar as interior secretary. Bennett led the school system with the highest-profile merit pay system in the nation.

During the Democratic Party's national convention in Denver this past August, DFER hosted a well-attended event at the Denver Museum of Art, during which Fenty, Booker, Klein, Sharpton and other well-known Democrats openly denigrated teachers unions, whose members accounted for 10 percent of DNCC delegates. With Clyburn and other veteran members of Congress in attendance, many longtime observers of Democratic politics believed the event represented a sea change in the party's education platform, the arrival of a new generation. While progressive groups such as Education Sector, Education Trust and the Citizens' Commission on Civil Rights have long attempted to push free-market education reforms to the Democratic Party, it is only with the arrival of DFER that the movement has had a lobbying arm with an explicit focus on influencing the political process through fundraising and media outreach.

"For a lot of groups that are dependent upon both private money and government money, there's a tendency not to want to get involved in the nitty-gritty of politics," Williams said in a March 31 phone interview from Denver, where he was meeting with Colorado politicians, setting the stage for DFER's expansion there. "Our group—what we do is politics. We make it clear: we're not an education reform group. We're a political reform group that focuses on education reform. That distinction matters because all of our partners are the actual education reform groups. We're trying to give them a climate where it's easier for them to do their work."

The education reformers who came to prominence in the 1990s, including the founders of Teach for America and the Knowledge Is Power Program, the national charter school network that fought unionization in one of its Brooklyn schools, often went to great lengths to portray themselves as explicitly apolitical. Nevertheless, "a lot of those people are, politically, Democrats," says Sara Mead, a DFER board member and director of early childhood programs at the Washington-based New America Foundation. "One of those things that DFER does that's really important is to help give those people a way to assert their identity as Democrats. It's important for those groups' long-term success, but also for Democrats, to the extent that some of these organizations are doing really good things for the kids whose parents are Democratic constituents. It's important that those organizations are identified with us rather than being co-opted by Republicans, as they were in the past."

The question remains, though, whether DFER and its allies actually do speak for poor and minority parents and their kids. Who on the left would disagree that the staggering achievement gap between middle-class white kids and poor children of color is a civil rights issue of national importance? Who wouldn't view the high dropout rates among black and Latino boys as a disgrace? And yet there is no clear national representation for the interests of the urban, mostly black and Hispanic parents whose children's schools confront these statistics day in and day out.

"On the local level is a certain distrust and despair about schools that makes poor families accessible" to free-market education reformers, says Deborah Meier, an education professor at New York University and the founder of several successful experimental public schools for poor children. "But I think the intersection between poverty and racism can't just be tackled in this one area, in schools."

Teachers unions, with their focus on wraparound social services for poor kids and better working conditions for teachers, believe they are the natural spokespeople for poor families. But so do union critics such as Joel Klein, Michelle Rhee and Joe Williams, who are sympathetic to No Child Left Behind and standardized testing, and whose allies support private school voucher programs.

There's no clear national representation for the interests of the mostly black and Latino parents whose children's schools are so inadequate.

"The DFERs, when they look at vouchers and charters, they don't look at the underlying conditions," says Randi Weingarten, president of the American Federation of Teachers. "Parents want to send their kids to charters and parochial schools because they like the smaller class sizes, they like the attention to safety, they like the attention to conditions that public school teachers talk about all the time. They make *us* the villains instead of the people who have the most power—the superintendents and mayors."

Weingarten says she likes Williams, who is in fact a reasonable and calm interlocutor; he even walks the walk by sending his children to New York City public schools. Some of DFER's board members, though, such as investment manager and a Teach for America founder Whitney Tilson, have been known to grow overheated in their attacks on unions, calling them corrupt and claiming that their leaders don't care about children. Traditional education liberals can be just as harsh on the subject of DFER. Criticizing the group's lack of commitment to the racial integration of schools, veteran education writer Jonathan Kozol said, "DFER is working in historical oblivion. If they're going to betray everything that Dr. King and Thurgood Marshall fought for, at least they ought to have the honesty to say so."

DFER is focused on reaching out to state legislators across the country, pressing them to support policies such as lifting the cap on the number of charter schools allowed to open in a year.

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DFER is also carefully watching how Congress and the Obama administration dole out the $100 billion for schools included in the February economic stimulus package.

Much of that money will fill local budget gaps, simply allowing school districts to continue their work without resorting to massive layoffs. But a $5 billion "race to the top" fund is intended specifically to foster innovation and reform in a small number of states—perhaps between eight and twelve—that win a competitive grant process. As White House chief of staff Rahm Emanuel said in March, "The resources come with a bow tied around them that says 'reform.' Our basic premise is that the status quo and political constituencies can no longer determine how we proceed on public education reform in this country."

That sounds a lot like a DFER talking point. Indeed, it has become clear that DFER's idea of education reform is the one driving the Obama administration as it distributes these funds. In a major March 10 address on education delivered to the Hispanic Chamber of Commerce, Obama spoke glowingly of charter schools and merit pay plans. "Too many supporters of my party have resisted the idea of rewarding excellence in teaching with extra pay, even though we know it can make a difference in the classroom," he said—though education research has yet to offer proof that merit pay is a panacea. Later in the speech, the president called charter schools the national leaders on education "innovation" and called on states to allow their proliferation.

Two weeks later, during a conference call with reporters, Duncan said thirty-six school districts across the country are doing "interesting things around [teacher] compensation" and added he hoped federal stimulus dollars will increase that number to 150. The education secretary called "rewarding teacher excellence" a major priority but would not be more specific about how such "excellence" should be determined.

Darling-Hammond—back at Stanford but still advising the Obama administration—is focusing her latest research on international teacher quality. Nations like South Korea and Singapore have managed to reduce education inequality by building stable, high-quality teacher forces, she says. The key is paying teachers more, across the board, and providing them with better professional training and support. Test-score-based merit pay, according to Darling-Hammond, is a "marginal issue."

On the ground, however, merit pay has become a major point of contention: in districts like Washington, some teachers have resisted calls for student test scores to heavily influence their salaries, and parents have protested the firings of popular teachers, professionals they believe were making a difference in their children's lives.

Unexplained teacher firings "are not a way to run a school," says Ruth Castel-Branco, an organizer with DC Jobs With Justice. "That shakes up the very foundation of stability that schools have to have. There has to be due process and a meaningful way for parents to engage."

So far, at least, free-market education reformers have struggled with this piece of the puzzle. Lacking a membership base, their movement's lobbying arm is essentially top-down, financed by New York hedge-funders, supported by research conducted at Beltway think tanks and represented on the ground by a handful of state and local politicians scattered across the country. And while it's true that charter schools and Teach for America instructors interact with children and parents every day, the excitement around individual schools and classrooms does not easily translate into a national agenda. After all, the vast majority of urban students remain in traditional public schools, taught by teachers who came through traditional teachers college certification routes.

Even the involvement of Al Sharpton can't change those facts. Joe Williams, who describes himself as chastened by his involvement in the $500,000 payment to Sharpton's group, will admit that. "I wouldn't even consider Sharpton grassroots, actually," Williams says. "But he holds a lot of power. He brings attention to an issue like this." ■

# The Dark Side of Plan Colombia

New evidence shows that narco-traffickers may have benefited from USAID biofuel grants.

**by TEO BALLVÉ**

On May 14 Colombia's attorney general quietly posted notice on his office's website of a public hearing that will decide the fate of Coproagrosur, a palm oil cooperative based in the town of Simití in the northern province of Bolívar. A confessed drug-trafficking paramilitary chief known as Macaco had turned over to the government the cooperative's assets, which he claims to own, as part of a victim reparations program.

Macaco, whose real name is Carlos Mario Jiménez, was one of the bloodiest paramilitary commanders in Colombia's long-running civil war and has confessed to the murder of 4,000 civilians. He and his cohorts are also largely responsible for forcing 4.3 million Colombians into internal refugee status, the largest internally displaced population in the world after Sudan's. In May 2008, Macaco was extradited to the United States on drug trafficking and "narco-terrorism" charges. He is awaiting trial in a jail cell in Washington, DC.

Macaco turned himself in to authorities in late 2005 as part of a government amnesty program that requires paramilitary commanders to surrender their ill-gotten assets—including

*Teo Ballvé (teoballve.com) is a freelance journalist based in Colombia.* *Research support for this article was provided by the Puffin Foundation Investigative Fund at The Nation Institute, with additional support from Project Word.*

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lands obtained through violent displacement. Macaco offered up Coproagrosur as part of the deal.

But the attorney general's notice made no mention that Coproagrosur had received a grant in 2004 from the US Agency for International Development (USAID). That grant—paid for through Plan Colombia, the multibillion-dollar US aid package aimed at fighting the drug trade—appears to have put drug-war dollars into the hands of a notorious paramilitary narco-trafficker, in possible violation of federal law. Colombia's paramilitaries are

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A group of workers in the militarized palm fields of Colombia

on the State Department's list of foreign terrorist organizations. USAID's due diligence process "did not fail," according to an official response from the US embassy there, because Macaco was not officially listed among Coproagrosur's owners.

Since 2002 Plan Colombia has authorized about $75 million a year for "alternative development" programs like palm oil production. These programs provide funds for agribusiness partnerships with campesinos in order to wean them from cultivating illicit crops like coca, which can be used to make cocaine. These projects are concentrated in parts of northern Colombia that were ground zero for the mass displacement of campesinos.

USAID officials say the projects provide an alternative to drug-related violence for a battle-scarred country. They insist that the agency screens vigilantly for illegal activity and has not rewarded cultivators of stolen lands. But a study of USAID internal documents, corporate filings and press reports raises questions about the agency's vetting of applicants, in particular its ability to detect their links to narco-paramilitaries, violent crimes and illegal land seizures.

In addition to the $161,000 granted to Coproagrosur, USAID also awarded $650,000 to Gradesa, a palm company with two accused paramilitary-linked narco-traffickers on its board of directors. A third palm company, Urapalma, also accused of links with paramilitaries, nearly won approval for a grant before its application stalled because of missing paperwork. Critics say such grants defeat the antidrug mission of Plan Colombia.

"Plan Colombia is fighting against drugs militarily at the same time it gives money to support palm, which is used by paramilitary mafias to launder money," says Colombian Senator Gustavo Petro, an outspoken critic of the palm industry. "The United States is implicitly subsidizing drug traffickers."

## Land Theft and the Biofuel Boom

Brig. Gen. Pauxelino Latorre led an elderly farmer through a maze of concrete hallways, past a series of harshly lit rooms overlooking banana plantations and deep into the barracks of the Colombian army's Seventeenth Brigade in Carepa, a town in northwestern Colombia. Soldiers saluted stiffly as the general barreled by. The farmer—Enrique Petro—poor, in his late 60s, shuffled a few steps behind, trying to avoid eye contact.

Petro was understandably anxious. Criminal investigations had repeatedly linked the Seventeenth Brigade to illegal paramilitary groups that had brutally killed thousands, including Petro's brother and teenage son. As he walked deeper into the barracks, Petro had a sense of foreboding. Latorre opened a door into a building at the back of the base, where Javier Daza, then head of Urapalma, was waiting. In the ensuing encounter, Daza and the general did most of the talking.

It was August 2004. A few days earlier, Petro had complained to the general that Urapalma was growing oil palms on land paramilitaries had stolen from him in 1997, in the nearby province of Chocó. In response, the general had suggested a meeting at the base, and Petro, supposing he had little to lose, had agreed. By the end of the brief sit-down, Petro says, Daza and Latorre had intimidated him into legally validating the seizure of his land. With Latorre's signature on the contract as a witness, Petro lost 85 percent of his 370-acre farm—for which, nearly five years later, he has yet to receive the meager payment.

Petro is one of the lucky ones; he is still alive. According to reports by the Colombian government and nongovernmental organizations, Urapalma has illegally claimed more than 14,000 acres of dense tropical land in Chocó—land seized with the help of people like Latorre and his paramilitary collaborators. Latorre, a graduate of the US Army training academy known as the School of the Americas, was charged last year with laundering millions of dollars for a paramilitary drug ring, and prosecutors say they are looking into his activities as head of the Seventeenth Brigade. Another general, Rito Alejo Del Río, who led the Seventeenth Brigade at the time of Petro's displacement, is in jail on charges of collaborating with paramilitaries; he, too, received training at the School of the Americas.

Government reports, legal documents and testimony from human rights groups show that drug-fueled paramilitaries—often in cooperation with the US-funded military—forcibly displaced thousands of Chocó's farmers in the late 1990s, killing more than a hundred. Since 2001 Urapalma and a dozen other palm companies have seized at least 52,000 acres of the depopulated land in Chocó, most of it held collectively by Afro-Colombian farmers like Petro.

The damage may be just beginning. In 2005 Colombian President Álvaro Uribe, citing surging markets in food and biofuels, urged the country to increase palm production from

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Dr. Heffernan chaired the Dartmouth English Department from 1978 to 1981 and taught a range of courses at Dartmouth including European Romanticism, English Romantic poetry, methods of literary criticism, and the 19th-Century English novel. For many years he also taught a senior seminar on Joyce's Ulysses that was regularly oversubscribed.

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750,000 acres to 15 million acres—an area the size of West Virginia. Critics point out that many of the new palm growing regions exhibit patterns of narco-trafficking and paramilitary violence similar to that in Chocó, including massacres and forced displacement. A report by the international organization Human Rights Everywhere found violent crimes related to palm cultivation in five separate regions—all of which fall within Uribe's initiative. Almost all of these regions have also been targeted for palm cultivation support by USAID.

The US agency administers Plan Colombia's alternative development program from its headquarters in the massive bunker-like compound of the US Embassy, on one of Bogotá's busiest streets. Oil palm, or African palm, is one of the few aid-funded crops whose profits can match coca profits. Since 2003 USAID's alternative development contracts have provided nearly $20 million to oil palm agribusiness projects across the country.

Almost half the palm oil produced in Colombia is exported each year—mostly to Europe but also to the United States. The government now has its sights on the stalled US-Colombia free trade agreement, whose passage by Congress—seen as likely, with President Obama's explicit support—would allow Colombian palm oil to enter US markets duty-free. Although the oil finds its way into various US food imports, Colombia is banking on the burgeoning market for biofuels.

"We are at the dawn of a grand new development in energy: biodiesel production from African palms," president Uribe said in 2005 as he announced the initiative. The country has roughly doubled its acreage planted in palms since 2001, the year Colombia became the world's fourth-largest exporter of palm oil—and the year palm companies arrived in Chocó.

Human rights groups have long accused palm companies in Colombia—Urapalma in particular—of cultivating stolen lands. Jens Mesa, president of Fedepalma, the national palm growers' federation, says these charges are grossly overblown. Mesa complains that the Chocó companies, which are not in the federation, are exceptions that have unfairly stigmatized the industry.

Nonetheless, the Congressional Black Caucus has frequently expressed its concerns about the palm industry, which is concentrated in areas with large Afro-Colombian populations, to the Uribe administration. Worried that Congress will withhold Plan Colombia funds or block the trade deal, the Colombian government has begun to take these charges more seriously. In late 2007, Attorney General Mario Iguarán announced an investigation into allegations that twenty-three palm company representatives in Chocó, including Urapalma's, worked with paramilitaries to seize community-owned land. Around the same time, Senator Patrick Leahy attached an amendment to Plan Colombia funds that prohibits the financing of palm projects that "cause the forced displacement of local people." Congress will soon debate Plan Colombia funding for 2010, the first foreign appropriations budget penned by the Obama team. In the bill's current draft, Leahy's amendment is marked for deletion.

Sean Jones, until mid-May USAID's director for alternative development in Colombia, recognizes that the country's palm oil industry has "two faces." One is the law-abiding companies, he says, but "there is this ugly face of African palm, too, where you have some really nasty players out there."

## Paramilitaries and *La Violencia*

Even in Colombia, with its tremendous geographical and cultural diversity, the jungle province of Chocó is considered exotic. Chocó's tropical rainforests, wedged into the northwest corner of the country where South America joins Panama, are among the most biodiverse on the planet. But most Colombians still see it as a violently contested backwater. Torrential downpours nourish low-lying mountain ranges, which feed hundreds of rivers and swamps that stretch veinlike across the landscape. Most of these waterways flow into the large Atrato River, which snakes its way north through the rainforest until its delta empties into the Caribbean gulf. Locals call this area Urabá.

The farmers of Urabá most affected by the palm business live near two lush tributaries: the Curvaradó and Jiguamiandó river basins. In 2000 the government's rural land management agency, Incoder, awarded collective title to 250,000 acres here to slave-descended black communities, who enjoy the same territorial rights as indigenous peoples under Colombia's Constitution.

But the government, in an effort to attract global investors, has also branded Urabá "the best corner of the Americas." And in recent years, palm companies have taken more than 20 percent of the land fronting the two rivers—the most habitable and agriculturally viable part of the territory.

In the late 1980s this part of Colombia became a base for paramilitary groups, or "paras," founded by three brothers from the Castaño family: Fidel, Vicente and Carlos, who came up through the ranks of the infamous Medellín cartel of Pablo Escobar. The Castaños received generous logistical and financial support from businessmen, wealthy landowners, drug traffickers and members of the army. They collaborated so closely with the Colombian military's dirty war against guerrillas of the Revolutionary Armed Forces of Colombia (FARC) that a 2001 report by Human Rights Watch referred to them as the army's "sixth division." Fueled by zealous anticommunism, warlords like the Castaños slaughtered thousands of innocents accused of harboring guerrilla sympathies.

By the mid-1990s, human rights reports show, the paras turned their violence to an economic purpose: gaining lands and businesses, eliminating opponents and protecting their most lucrative activity, drug trafficking. The Castaños and their allies became Colombia's undisputed cocaine barons, earning them top spots on the US government's most-wanted lists. The warlords began a bloody march into Urabá.

First, leaflets appeared warning all guerrilla collaborators to leave, and towns were riddled with paramilitary graffiti. Uriel Tuberquia, one of Enrique Petro's campesino neighbors, recounts that in the months before the paras arrived, rumors coursed through the community that the *mochacabezas* (decapitators) were coming, a reference to the gruesome way paramilitaries would dismember the bodies of their victims.

When the paras finally came, they killed Tuberquia's father as he grazed his cattle. "They shot him from behind, at long range," says Tuberquia, staring into the palm fields. "My dad never got a proper burial. He's just buried there, somewhere, underneath all that palm."

In October 1996 the paras had a macabre coming-out party in Chocó, with the murder of eight campesinos in the tiny town

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of Brisas on the Curvaradó River, an hour's walk from Petro's farm. What followed was a crescendo of terror locals simply call *la violencia*. In February 1997 the military, backed that year by $87 million in US support, teamed up with its "sixth division" to hammer northern Chocó. Army helicopters and fighter jets rained bombs and high-caliber gunfire on the jungle communities, while the paras "cleaned up" behind them. Military and paramilitary roadblocks cropped up everywhere. International human rights groups documented massacres, torture, murders and rapes. Paramilitaries capped off the year by slaughtering thirty-one campesinos a week before Christmas.

According to the UN Refugee Agency, the 1997 offensive forced some 17,000 people from their homes. In the Curvaradó and Jiguamiandó basins alone, 140 farmers have been confirmed killed or disappeared, all but four by soldiers or paramilitaries. By 1997 Petro had already lost his brother and two sons to *la violencia*—one killed by the FARC. Paramilitaries repeatedly warned him he'd be killed if he didn't leave his farm. He tried to stay on, but after another son left, Petro abandoned the land.

"They said they came here to clean out the guerrillas," recalls Petro, "but it was us, the campesinos, they cleaned out." In interviews, several survivors tell me that when the violence began, paras came to their farms with the same chilling offer: "Sell us your land, or we'll negotiate with your widow."

> 'Palm was a perfect way [for paramilitaries] to consolidate their…social control over a territory and invest capital accumulated from drugs.'

By 2001, when the paras announced they had gained definitive control of Urabá, Petro and the other campesinos were scattered. Some were hiding out in the jungle; others had left Chocó entirely. Though paras prevented them from visiting their farms, the campesinos heard rumors that their lands were being planted with palm.

Gustavo Duncan, a security analyst at the University of the Andes, in Bogotá, says the paramilitaries' turn to palm was the obvious business decision: "Palm was a perfect way to consolidate their militarized social control over a territory and invest capital accumulated from drugs into a profitable business." According to an affidavit by a former Urapalma employee who cooperated with the attorney general's investigation, the main bridge between the Castaños and investors was Hernán Gómez, an early ideological mentor of the Castaño brothers and husband of Urapalma's current CEO. The affidavit states that Gómez, who did not return multiple calls to his home, helped the Castaños recruit wealthy narcos with experience in the palm business to invest in Urapalma.

As farmers began trickling back to their homes after 2001, many found their lands razed and planted with palm saplings. Companies like Urapalma had posted signs on the land with big block letters: Private Property. A permanent paramilitary presence terrorized the area.

Petro spent five years without seeing his farm, taking refuge in the nearby town of Bajirá. He returned only in 2002, to a devastating sight. "All the work of my youth was gone," he says. "One hundred ten head of cattle, nine horses, my wife had tons of chickens, pigs… everything gone." Urapalma had plowed his pastures for palms. A year after his arrival, he says, shortly after he began working his land again, "the paramilitaries came to kill me." Petro had left for town that morning, and so he avoided harm. But he returned to find his home ransacked and covered in graffiti. The paras' slogans are still visible on the walls of his dilapidated house.

## USAID and Palm

Three months after the paras vandalized Petro's home, Urapalma submitted a grant application to the Bogotá offices of ARD Inc., a thirty-year-old rural development contractor based in Burlington, Vermont, with offices in forty-three countries. On its website ARD describes itself as guided by "Vermont's ideals of leadership in environmental affairs and local participation in government." USAID, a major source of ARD's revenue, has $330 million in active contracts with the company.

In January 2003, ARD began administering $41.5 million for USAID's Colombia Agribusiness Partnership Program (CAPP). Urapalma was one of the first palm companies to send an application; the Macaco-linked Coproagrosur received its $161,000 grant the following year (a third of which was returned, unspent). ARD's quarterly reports show that Urapalma requested $700,000 in financing to cover the planting of palm on some 5,000 acres in Urabá—the epicenter of stolen land. The grant application began working its way through ARD's process.

USAID officials refer to Urapalma's proposed project as a "strategic alliance" and typically call such efforts "community driven." "Without our support," said an embassy official, "farmers would have a weaker ability to negotiate fair alliances with the industrial processors." But according to documents from the Colombian attorney general's 2007 investigation, obtained by the Investigative Fund at The Nation Institute, palm companies in Chocó set up these partnerships to legitimize illegal land acquisitions after the fact—often through fraud and coercion.

The investigation files include an affidavit by Pedro Camilo Torres, a former Urapalma employee who from 1999 to 2007 handled the company's loan applications, including the USAID grant proposal. His affidavit charges that Urapalma created campesino "front" organizations to secure phony land titles and gain access to public funds.

The most notorious case of fraud involves Lino Antonio Díaz Almario, who allegedly in 2000 acquired 14,645 acres—an impossible fortune for a poor campesino—and immediately sold these lands to the Association of Small Palm Oil Producers of Urabá, an organization started by Urapalma. But Díaz had been dead since 1995, when he drowned in the Jiguamiandó.

Urapalma's proposed USAID project, as summarized in an ARD report, referred to "Afrocolombian Associations." According to Torres's affidavit and eyewitnesses cited by the attorney general, all of Urapalma's campesino organizations were set up by Teresa Gómez, whom the US Treasury identifies as the

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"financial manager" of the Castaños' vast narco-paramilitary federation. She managed at least two other paramilitary-affiliated NGOs and is wanted for the murder of a campesino leader in Córdoba province who had clamored for lands seized by the Castaños. Phone calls and messages left with Urapalma's staff over months were not returned.

Urapalma never received the grant money in question, an outcome that Susan Reichle, USAID-Colombia's mission director, says vindicates the agency's "due diligence." Reichle says her team has developed a "land protocol and a whole process to really ensure, to the best of our abilities and through several layers of investigation, that this land is clean land." But, she admits, "unfortunately, you'd love to say it's 100 percent—you're never going to be." Sean Jones, who became head of USAID's alternative development programs in Colombia in 2006, contradicts Reichle, pointing out that Urapalma's application stalled because the company failed to submit paperwork on land titles.

According to CAPP's quarterly reports, a joint USAID-ARD "review committee" had advanced the Urapalma proposal as far as the penultimate stage of the process—the last step before awarding money—by January 2005. Roberto Albornoz, who has headed ARD's agribusiness program in Colombia since the inception of the USAID contract, says his staff conducted due diligence but never turned up evidence of suspicious activities. He confirms that the project was "put on hold" in April 2005 only after Urapalma stopped submitting documentation. Albornoz says his staff did not learn of Urapalma's questionable past until they came across a magazine article published five months after the proposal was put on hold. When pressed as to why ARD screeners failed to suspect the company of illegal activity, Jones echoes Albornoz: "The allegations around Urapalma weren't coming up in the press at that point."

But the forced displacements and massacres in Urabá were already in the public record. In July 2003, a month before Urapalma's USAID application, the national daily *El Tiempo* reported that "the African palm projects in the southern banana region of Urabá are dripping with blood, misery and corruption." The *Washington Post* picked up the story two months later.

In declassified cables from the US Embassy, US officials in Bogotá sounded the alarm about the paramilitaries' stranglehold on Urabá as early as 1996. A cable from that year states, "The Castaños have profited greatly from their activities, reportedly acquiring thousands of acres of land in northern Colombia." The cable refers to growing paramilitary control of entire regions and specifically mentions Urabá.

In 2003, five months before Urapalma's grant request, the Inter-American Court of Human Rights singled out Urapalma for collusion with paramilitaries in Urabá: "Since 2001, the company Urapalma SA has initiated cultivation of the oil palm on approximately 1,500 hectares of the collective land of these communities, with the help of 'the perimetric and concentric armed protection of the Army's Seventeenth Brigade and armed civilians'"—i.e., paras. Soldiers and paras undertook armed incursions, the court concluded, to "intimidate" communities into "join[ing] in the production of oil palm or evacuat[ing]."

Albornoz says ARD's screeners cross-referenced company records with Colombian and US government databases of people linked to the drug trade. But the company had evident narco links: in its corporate registration papers, Urapalma lists as its founding investors two brothers from the Zúñiga Caballero family, which Colombian authorities charge is a paramilitary-connected clan with links to the Medellín and Cali drug cartels.

## Hundreds of Thousands of Dollars

While USAID eventually tabled Urapalma's proposal, the agency awarded one grant to Coproagrosur, the company surrendered by Macaco, and another to Gradesa, which refines palm oil for domestic consumption and export—much of it to the United States. According to ARD reports and USAID documents, the agency's grant to Gradesa helped support a project in Belén de Bajirá, Chocó, the Urabá municipality that is home to Urapalma—and to the land formerly farmed by Enrique Petro. USAID appears to have supported Gradesa's involvement in refining palm oil from the Chocó killing fields.

USAID insists it has never funded a palm project in Chocó. Representatives from USAID, Gradesa and ARD deny that the Gradesa project was based in Belén de Bajirá, despite three years of references to the town in internal and public documents. USAID representatives say that the locale was referenced erroneously after Gradesa mistakenly mentioned it in a status report. "The error went unnoticed," USAID's press attaché explained by e-mail, "because our main interest centers on information related to hectares, families, employment and budget invested."

In any case, at the time USAID awarded Gradesa a $257,000 grant on December 19, 2003, corporate filings show that the same two Zúñiga brothers who'd invested in Urapalma, Antonio and Carlos, also sat on Gradesa's board. (Carlos appears on a Colombian government list of narco-traffickers as early as 1987.) In March 2005, Colombia's attorney general announced that he was seizing the Zúñigas' stake in the firm and filed criminal charges against the brothers for using Gradesa to launder narco-dollars. According to a Colombian narcotics official, that stake was 50 percent; a recent interview with Gradesa's CEO revealed that the brothers had owned this stake since the early 1990s, long before the USAID grant. The attorney general's case is now plodding its way through Colombian courts, the government's fifth attempt to pin drug-laundering charges on the Zúñigas.

Despite this pending legal action, USAID approved a second Gradesa grant in 2007, this one for $400,000—monies from a new five-year, $182 million contract with ARD. In a written response, a US embassy official said that since USAID received no formal notice of the case against the Zúñigas, "there was no way that USAID could have been aware of the link between Gradesa and the Zúñiga investigation." The official said "no red flags were raised" in the due diligence process for Gradesa's second grant and that as the Zúñigas were no longer "shareholders, investors or managers" they did not qualify as "recipients."

## Permanent Displacement

Life has not improved much for Petro or his fellow refugees. In April the government returned 3,200 acres—just 6 percent of the stolen land—to some farmers along the Curvaradó River. Twelve years after they were forced to flee, the rest remain displaced. The government says it is pressing the palm companies

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to return the remainder of the lands voluntarily, but locals have heard such promises before. Meanwhile, the companies are shipping out palm kernels by the truckload. Petro has only a fraction of his farm left, part of which he turned into a makeshift "humanitarian zone," a village of wooden shacks called Caño Claro, populated in recent years by as many as a dozen displaced families at a time.

More than 2,500 people still scrape by in a handful of these humanitarian zones, which dot the Curvaradó and Jiguamiandó river basins, though none enjoy legal recognition by the government. In some cases, all that separates these refugees from their palm-covered former farms is a cratered dirt road patrolled by paramilitaries, now in civilian clothing, and army soldiers. Children scamper around the camps with bloated bellies from illness and malnutrition, their families torn from their source of subsistence. Of late, reprisals and violent threats toward those demanding the return of their lands have increased.

One day last October campesino leader Walberto Hoyos was shot and killed execution-style near the Curvaradó River, his neck and face pumped with bullets by a paramilitary gunman. The next morning, the residents of Urabá woke up to find their towns riddled with fresh graffiti and leaflets announcing the formation of a new paramilitary group, an eerie reprise of events leading up to *la violencia*. ■

# All the Letters Fit to Print

A longstanding rivalry between old friends shows what it takes to get into the *New York Times*.

**by DAVID MARGOLICK**

George Avakian and Cy Shain met in 1937, when Avakian was a freshman at Yale and Shain was a senior at DeWitt Clinton High School in the Bronx. They bonded over jazz, probably at the Onyx or Famous Door or one of the other clubs on West Fifty-second Street, and for the next seventy years they stayed in touch. On most matters—music, politics, baseball—they saw eye to eye. But on one thing they became great rivals, and it was serious business: the letters to the editor page of the *New York Times*.

TIM LANE

It may now seem quaint, with even the greatest newspapers on the ropes, but for people of a certain age getting a letter published in the *Times* has always been a very, very big deal. Despite repeated attempts, Avakian, who became a legendary producer for Columbia and RCA Victor—Louis Armstrong, Benny Goodman, Johnny Mathis, Duke Ellington and Miles Davis were among the many icons he recorded—couldn't buy his way into the paper. But Shain, who held a variety of government posts in judicial education and prison reform in California, managed to crack the code. And how.

Thirty-nine times over the past decade Shain, who lived in San Francisco, was in the paper on all manner of suitably weighty subjects: the Iraq War, campaign finance reform, the death penalty, nuclear proliferation. He had six letters printed each year in 2001, 2002 and 2003. People who have spent lifetimes trying to break into the *Times* might equate Shain's record with Babe Ruth's in 1920, the year he hit more home runs by himself than any other *team* in the American League. Meanwhile, in the Bronx, Avakian kept typing away—and striking out.

What explained their very different fates? It wasn't politics: both were lifelong liberal Democrats who loathed George W. Bush and everything he stood for. In fact, it was only with Bush's election in 2000 that their epistolary enthusiasms began; each was around 80 at the time. But there, alas, the similarities ended.

Avakian couldn't contain his anger, and as anyone who reads the *Times* well knows, on the letters page no one ever gets too worked up about anything. Friends to whom he would sometimes send drafts forever urged him to tone things down. But try as he might—which, truth be told, wasn't very hard—catharsis always won out over pragmatism. It started at the very outset of the Bush II era. "How many words have been written about the mess in Florida? 4 million, 400 million? 4 billion?" he wrote during the fiasco following the presidential election of 2000. "There are only four words which properly sum up the whole situation. They are: The fix is in.'" Of course, it got spiked. In another letter, from July 2007, he called Bush "the most flagrant liar in the history of the American Presidency." Ditto. Three months earlier Avakian—like Shain, a World War II veteran—asked if Bush would view the Iraq War differently if his twin daughters had served there "and came home with one arm, one leg and one eye between them?" That, too, got nowhere. Worse, such letters seemed to poison the well for Avakian. Even when he wrote something more tempered or innocuous—bemoaning, for instance, that A-Rod's home runs in the reconfigured old Yankee Stadium would have been mere fly balls back in DiMaggio's day—it was rejected.

Shain's letters, by contrast, were perfect *Times* material, which is to say, *reasonable*. When he raised the issue of the newly installed George W. Bush's intellect and work habits, he did so gently. When he denounced the rush to war in Iraq, his tone was measured. His harshest adjectives were "sobering" or

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"bone-chilling" or "downright frightening." And while Avakian was either blunt or discursive, Shain mastered the *Times* formula: invariably three sentences, or thoughts, first introducing, then elaborating upon, then concluding, an idea. Though he made his points, it was always with a jab rather than a roundhouse. Shain's letters had the efficiency of haiku and the elegance of sonnets.

The *Times* has had more prolific correspondents than Shain; do a Nexis search sometime for Felicia Ackerman of Providence, Rhode Island, or Rachelle Marshall of Stanford, California, and see how often *they* come up. The paper offers no prizes for the fiftieth or hundredth published letter, nor would it: part of its mystique has always been that with multitudes clamoring to get into print, there's no need for recidivists. But over the past ten years, Shain probably appeared as often as anyone. "You write a consistently thoughtful, articulate letter, with what we journalists call 'sweep and scope,'" the paper's letters editor, Thomas Feyer, once told him. (So good were they, Feyer went on, that when the paper devoted a clump of letters to a particular topic, it often put Shain's on top.)

As he grew older, then lost his wife, getting into the *Times* became Shain's way of keeping engaged with the world and in touch with friends, especially Avakian, since each appearance invariably led to an exchange of e-mails. Still, Shain took to waiting two months between attempts—in order, he once told Avakian, "to avoid wearing out my welcome." The *San Francisco Chronicle* got his overage. A couple of times he even gave seminars around San Francisco on how to get letters published.

For all his frustration, Avakian was always magnanimous, even good-humored, about his friend's successes. On occasion he'd send drafts to Shain, too, thinking, perhaps, that some of Shain's magic might rub off on him. "As they used to say on Orchard St., '*Nu*?'" he wrote Shain in September 2006. Always, Shain was encouraging, counseling Avakian avuncularly—and futilely—to keep his efforts, as he once put it, "short and sweet and to the point." For Avakian, all three were problems—especially the "sweet."

Even the mighty Shain occasionally struck out. The *Times* wouldn't let him liken Bush to a snake oil salesman, for example, or prophesy that Harding, Coolidge and Franklin Pierce would soon welcome him into the fraternity of worst presidents. But into early last year, his letters continued to appear: the only good thing about Bush's State of the Union speech, he wrote in January 2008, was that it was his last. And but for one more effort that April, that letter turned out to be Shain's swan song in the *Times*. Cancer and dementia took over.

Like most *Times* readers, Avakian didn't notice that Shain's efforts had ceased. But earlier this year, before heading to Los Angeles to collect a lifetime achievement Grammy award from the National Academy of Recording Arts and Sciences—he'd helped launch the organization fifty-two years before and is a past president—he began planning for a detour to see his old friend. His telephone calls and e-mails went unanswered, so when he reached San Francisco in early February, he went to Shain's house. A neighbor told him a respirator had been rushed there a few weeks earlier and that Shain, who lived alone, hadn't been seen since.


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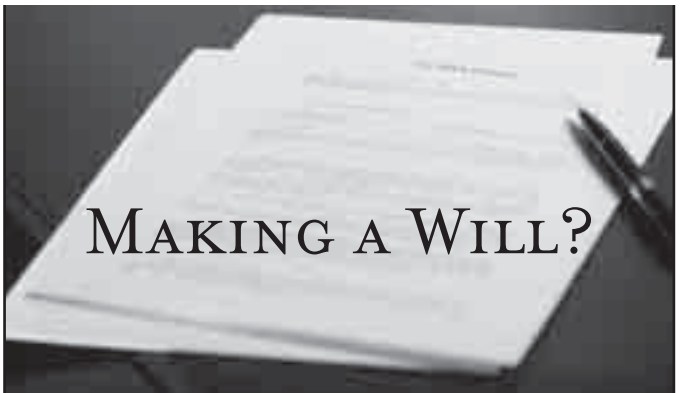

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Shain had two daughters, but Avakian didn't know their married names. Twice he went to Shain's local post office to ask about him, only to get the runaround. He left town to collect his award without seeing Shain or learning what had happened to him. Twice he wrote San Francisco's mayor, Gavin Newsom, asking for help tracking Shain down. Here too—as with all those letters to the *Times*—he got no reply.

Shain, it turns out, was still alive, in a hospice, when Avakian had come calling. But three days later, on February 10, he died. He was 88. For months before that, his daughters say, he'd withdrawn; still, their last picture of their father shows him reading, or at least holding—well, you can guess the publication, and maybe even the page. "I have many friends who, like myself, will miss Cy's letters to the *New York Times*," Avakian wrote the daughters after learning the news. Pleading with him to tone things down, his friends, he said, had always cited their father. "Unfortunately, the *Times* does not like my tone when I write about Republicans," Avakian concluded, "and I refuse to change it."

The *Times* has not acknowledged that one of its more reliable voices has been silenced. Even all those gentle pronouncements and well-mannered jabs on the letters page couldn't win Cy Shain the ultimate *Times* encomium: an obituary. But undaunted, Avakian, who turned 90 on March 15, still sends in his letters. Some of them are about Obama, and since he actually likes the guy, maybe he, too, will now crack the code. ■

# Letters

*(continued from page 2)*

## Rothmyer Replies

New York City

I take James Jay Carafano at his word that he doesn't advocate invading Somalia. His quote in a Bloomberg article about US military proposals for attacking pirate bases appeared to support doing so.

Karen Rothmyer

## Greene on Orange on Greene

Toronto

I was very grateful to receive so long a review of my book *Graham Greene: A Life in Letters* as Michelle Orange has given it. Unfortunately, length is not the same as diligence. Following on a bit of cursory Googling, Orange refers to a severe article I wrote for a scholarly journal in 2006 about Norman Sherry's biography, an article that included some observations on his attempt to assemble an edition of Graham Greene's letters without the permission of his estate.

Orange says I ought to have revealed that I was then negotiating for the contract to edit the letters myself. I was hardly negotiating for a contract at that time, as the book, released in London in 2007, was already in press. It was too late to curry favor with the literary estate. In any event, news of my edition had been in the public domain for almost three years. At the end of 2003, my project was announced on the website of the Graham Greene Birthplace Trust in advance of a lecture I gave on my work at the Graham Greene Centenary Festival in Berkhamsted in October 2004. Two hundred people, among them many leading scholars of Greene and an array of publishers and journalists, attended that talk, which was released as a CD in 2005 and is still available. The book was then widely advertised by its British publisher, Little, Brown, in advance of publication of either the article or the book. To suggest that there was any secret about my edition is a sign that Orange is out of the loop on Greene studies and a poor choice to write this review for *The Nation*.

Richard Greene

## Orange Replies

New York City

Richard Greene obscures the issue when he writes to detail the timing of various announcements of his role as editor of *Graham Greene: A Life in Letters*. Condescension about Googling and diligence aside, the syntactical point is taken: I regret not using the past tense to specify that in late 2006 negotiations for the book's editorship (if not its various rights) were not in progress but complete; the book was obviously well into production by then.

Whether the collection was nascent or in galleys, however, has no bearing on my argument: to insist that he already had the job well in pocket hardly immunizes from critical scrutiny Greene's notable lack of disclosure in his nearly 6,000-word evisceration of Norman Sherry's biography. Of interest is not the lurid implication of scholarly secrecy or favor-currying but the ways the past connection between these two men, the future overlap in their work, and particularly Greene's "severe" response to Sherry's biographical project may have shaped and informed *A Life in Letters*. Sherry's professional stonewalling of Greene (which predates the release of Sherry's book in 2004) and Greene's subsequent role as editor of a collection similar to one Sherry attempted to assemble are of contextual interest to the readership of both his review and *A Life in Letters*. As I suggested, in the latter case awareness of this tension provides critical background for Greene scholars and us lesser readers alike, and sheds some light on the editorial ethos guiding the collection.

As it happens, such enmeshed interests also offer a better example of what might make one, at least outside the academic world, a "poor choice" to write a review.

Michelle Orange

## Put One in Your Rucksack

Alameda, Calif.

D.D. Guttenplan remembers finding a WPA guide to New York in the Random House basement ["A New Deal for Culture," May 4]. Public library patrons may be equally lucky. Good reference librarians have long treasured these remarkable volumes, valuable for historical, geographical and just whimsical reasons. Look in the history section of your public library, in both reference and circulating collections, for WPA guides to your and neighboring states. Some have been reprinted but even the tattered, marked-up originals are delights to read.

Elsa Pendleton

## Guttenplan Replies

London

Elsa Pendleton is absolutely right. I also cherish my Vermont guide—and envy the late Alistair Cooke, who liked the state guides so much he collected every one!

D.D. Guttenplan

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# Books & the Arts.

## Vice

**by STEPHEN HOLMES**

HARVEY GEORGES/ASSOCIATED PRESS

Sleeper cell: Dick Cheney (left) and Donald Rumsfeld at President Gerald Ford's White House, November 7, 1975

Having catapulted himself back into the national spotlight as "the highest-profile critic of the new administration," in the words of the *New York Times*, Dick Cheney has also invited us, inadvertently, to revisit his dispiriting legacy. Along with his support of cruel interrogations, Cheney's everyday resort to stealth and subterfuge during his eight-year tenure in the Bush White House inspired certain administration insiders, privately and not necessarily derisively, to call the former vice president "Dark Side." *Angler*, Barton Gellman's study of the Cheney vice presidency, provides the most probing and comprehensive account we have, based on hundreds of original interviews, of Cheney's behind-the-scenes maneuvering, not only in the "war on terror" but also in energy policy, environmental policy, tax policy and executive-legislative relations. But Gellman helps us explore an even more tenebrous domain. As it turns out, the proportions of calculating underhandedness and heady delusion commingled in Cheney's political style remain frustratingly difficult to assess.

His recent, ongoing media campaign for the release of a few classified CIA memos is a case in point. Does he truly believe that in-house memorandums, containing publicly unchallenged and untested allegations, could conclusively prove that harsh interrogation techniques, including waterboarding, produced intelligence that helped disrupt an imminent terror attack? Or is he playing smoke and mirrors, seeding the airwaves with sensational talking points to put his critics on the defensive? Such a maneuver might be unethical but would not be particularly irrational.

Consider, in the same light, the identical letters Cheney composed for his six grandchildren nearly two years ago, in July 2007, when President Bush was undergoing a colonoscopy and the vice president had assumed the role of acting president for several hours. Gellman has reproduced the remarkable text:

> *As I write this, our nation is engaged in a war with terrorists of global reach. My principal focus as vice president has been to protect the American people in our way of life. As you grow, you will come to understand the sacrifices that each generation makes to preserve freedom and democracy for future generations. I ask you as my grandchildren that you always strive in your lives to do what is right. Signed, Acting President of the United States, Grandpa Cheney*

It is no doubt possible to discover some form of shrewd propaganda in this stilted message from a cardboard patriarch—words that were, after all, released to the public. But that is not the most plausible reading of these few lines. Cheney eulogizes himself as a nobly selfless leader who has been willing to make not only tough choices but also great personal sacrifices to defend freedom, democracy and the American way. Yet crowing before his children's children as "Acting President of the United States" seems more delusional than instrumental. Temporarily the head of the executive branch, an office whose power he worked furtively and ferociously to expand during his years in government, Cheney turned the occasion into an opportunity for self-aggrandizement, decorated with dime-store clichés.

In trying to fathom how Cheney accumulated, maintained and gradually lost power within the executive branch, Gellman, a Pulitzer Prize–winning reporter at the *Washington Post*, proceeds as a clinician rather than a prosecutor. Consequently, *Angler* touches only lightly on decisions of Cheney's involving potential conflicts of interest. (The title of Gellman's book refers to another Cheney moniker, one coined by the Secret Service and inspired by his passion for fly-fishing.) Acknowledging that the former vice president granted special and secretive access to business groups with substantial stakes in government policy, Gellman draws no damning conclusions about the long-term no-bid contracts awarded to Halliburton in Iraq, even though Cheney, before helping to steer his country into war, had been that controversial company's CEO. After thoroughly investigating the matter, Gellman reports that he found "no evidence of self-dealing behavior in office, involving Halliburton or anything else."

For tenacious Cheney watchers, this may be an aggravating conclusion, but for the purpose of examining Cheney's hold on power in the Bush White House it may also be beside the point. Whether or not Cheney profited financially from the policies he promoted, his concept of the national interest was and remains clearly aligned with the economic interests of his onetime business associates. Gellman makes this point, indirectly, by

**Angler**
*The Cheney Vice Presidency.*
By Barton Gellman.
Penguin Press. 483 pp. $27.95.

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claiming that the vice president "was fundamentally honest about his objectives." Such allusions to Cheney's candor seem baffling until we realize that the objectives in question boil down to liberating business from regulation, cutting taxes for the wealthiest Americans and responding to foreign threats by swelling the power of the presidency vis-à-vis Congress and the courts. Honesty about goals, we soon learn, was accompanied by a lusty embrace of dishonesty in their pursuit.

Gellman lavishes most of his attention on the fabrications Cheney used to enable the executive branch to circumvent constitutional checks and balances. One of the boldest involved the Bush administration's ongoing program for intercepting domestic communications without a judicial warrant, which Gellman describes as an "operation conceived and supervised by the office of the vice president." When briefing the Republican and Democratic heads of Congress's Intelligence Committees about this program in early 2004, Cheney (with White House counsel Alberto Gonzales, National Security Agency director Michael Hayden and others) connived to hide the fact that high-ranking lawyers from the NSA and Justice Department had expressed grave doubts about the program's legality. "Cheney, who chaired briefings for select members of Congress, said repeatedly that the NSA's top law and ethics officers had approved what their agency was doing," Gellman explains. Cheney was not vague about the facts of the case but conveyed inaccurate information about the legal opinions of others. To thwart Congressional oversight and thus eliminate outside review and potential criticism of a favored White House program, Cheney knowingly misled key members of a constitutionally coequal branch.

Cheney's "major role in bringing war to Iraq" likewise required a strategic twisting of the truth. Gellman details a private briefing in late September 2002 that Cheney provided to Republican Congressman Dick Armey, then majority leader of the House. Armey opposed an invasion of Iraq on the reasonable grounds that the United States should not attack a country that had not attacked it. Usually hawkish, Armey presented an embarrassing hurdle to the war party in the administration. As Gellman says, "If Armey could oppose the war, he gave cover to every doubter in waiting," making him "the center of gravity of the political opposition." Something had to be done, and Cheney did it. According to Gellman, Cheney, brandishing top-secret satellite photos, made statements about Saddam Hussein's nuclear arsenal and ties to Al Qaeda that he knew to be erroneous: "In the privacy of his office, for this one crucial vote, Cheney leveled claims he had not made before and did not make again." Some of these claims "crossed so far beyond the known universe of fact that they were simply without foundation." Gellman concludes that Cheney deliberately told Armey "things he knew to be untrue," bamboozling a Congressional leader of his own party just long enough to extract a go-ahead vote. Having been preapproved on false pretenses by a gullible or complicit Congress, the misbegotten invasion was launched six months later.

Cheney has been deservedly criticized for overestimating the efficacy of military force, for giving no thought to the aftermath of military victory and, generally, for failing to anticipate the risks and costs of the invasion and occupation of Iraq. His failure to perform due diligence before leading Halliburton into a financially disastrous merger with Dresser Industries in 1998 earned him a subsequently hushed-up reputation for managerial ineptitude, which, despite his brilliance at bureaucratic manipulation, he amply displayed as an architect of war as well. But the issue of incompetence isn't central to the point Gellman makes about Cheney's role in launching the Iraq War. However poorly he understood the bloody battlefield onto which he was leading the country, Cheney sincerely believed that the 2003 invasion was both desirable and necessary. Yet he helped President Bush take the United States to war without revealing to the Congressional leadership, much less to the public at large, his genuine reasons for thinking so.

For Gellman, such behavior provides additional proof, if any were needed, that Cheney's "concept of democracy was at the far elite extreme." The vice president's rationale for the invasion of Iraq, as Gellman and others have reconstructed it, was shared only with like-minded colleagues in and around the White House. It was based on the assumption that, after the cold war, the principal threat to national security was a "nexus" of terrorist organizations, illegally proliferated weapons of mass destruction and rogue states. Decentralized and clandestine, this nexus remains dauntingly difficult to destroy. Given the sheer elusiveness of terrorist organizations and illegal weapons-smuggling channels, US counterterrorism forces had to concentrate after 9/11 on the third link in the chain: rogue states. Unlike smuggled nuclear matériel or clandestine terrorist operatives, rogue states are easy to pinpoint on a map and vulnerable to overwhelming firepower. Yet most of the rogue states consorting with terrorists or known to possess WMD are unappealing candidates for an American attack. Launching a "pre-emptive" war against North Korea, Iran, Pakistan or Saudi Arabia, as the decision-makers in Bush's inner circle understood, risked destabilizing economically vital and politically precarious regions of the world.

By process of elimination, they concluded, the only rogue state with some observable ties to WMD and terrorist groups, and where a hostile government could be successfully toppled without triggering a major international crisis, was Iraq, a country ruled by a widely detested homicidal clan. Removing Saddam would not automatically strengthen the hand of the United States against the dreaded nexus, but it would "send a powerful message" to the genuinely dangerous rogue states. The message was that the US military could, at a moment's notice, physically annihilate any ruling group that failed to bring under control weapons proliferation and terrorism within its country's borders.

If the immediate purpose of the invasion was exemplary punishment of Iraq for behavior vaguely analogous to behavior that, if it occurred, would truly threaten the United States, it's no wonder that such a rationale was never made public. Cheney's assumptions about a multistage, regionwide and even global intimidation effect were so tenuous and speculative that they might never have survived an open public debate. The same, or worse, can be said about his numerous public insinuations that Saddam was intimately involved in 9/11. (It now appears that in April 2003, Cheney urged American interrogators to waterboard a captured Iraqi intelligence officer, not to extract intelligence for preventing a future attack but to provide evidence of an Iraq–Al Qaeda link to justify a war that had already been launched.) Whatever Cheney was thinking or plotting at the time, his actions reflected a characteristic principle of Bush-league *raison d'état*: duplicity is a small price to pay for the chance to go to war.

To explain the workings of Cheney's power, many commentators have focused on his eccentric understanding of the Constitution rather than his predilection for sordid tactics of deceit. On multiple occasions since 1974, when as a member of the White House staff he witnessed the humiliating denouement of the Nixon presidency, Cheney has publicly endorsed the theory that the president, relying on his powers as commander in chief and head of the executive branch, can "defy ex-

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plicit prohibitions of law." That is, when the United States is at war in a legal sense, the president may disregard as unconstitutional any statute he finds cumbersome. According to this expansive view of presidential discretion, statutory restrictions on executive authority, although they are especially abhorrent in times of national crisis, are nearly always detrimental in ordinary times as well. As Gellman explains, David Addington, Cheney's fabled *consigliere* in the Bush White House, played a pivotal role in sharpening and implementing this farfetched constitutional doctrine: "Addington's formula may have been the nearest thing to a claim of unlimited power ever made by an American president." But not much legal innovation was required on Addington's part. It sufficed to disinter the immoderate claims for unilateral executive power made by earlier administrations, especially by the partisan lawyers who worked under Richard Nixon.

Presidential say-so and self-oversight are the central tenets of Cheney's constitutional philosophy, if we can call it that. It follows that transparency statutes, such as the Freedom of Information Act, are unconstitutional infringements on presidential power. As Gellman summarizes this view, "Congress had no enforceable right to demand *any* information from the executive branch that was not already available to the public." Withholding information in the name of executive privilege is apparently legitimate even if it would thwart an ongoing criminal investigation. Important legal rulings to the contrary exist, admittedly, but they belong, in Cheney's view, to the fundamentally illegitimate Watergate-era assault on executive power.

Only a short step separates the brazenly asserted right of the president to defy the will of Congress and the courts to the tacitly insinuated right of the president to mislead Congress and the courts. Cheney's sovereign executive, in fact, may be inherently and inescapably duplicitous. Given the proclivity of Congress and the courts to ask embarrassingly probing questions, the executive branch can defend its "near-hermetic secrecy" only by resorting frequently to deliberate untruths, delivered preferably in informal settings, not under oath. This dubious constitutional argument is supplemented with a dubious contextual one. The president has the right and responsibility, as part of his national security powers, to mislead hostile foreign powers. But it is sometimes impossible to conduct an effective disinformation campaign against enemies without subjecting Congress and the courts to the very same deception.

Gellman's account of executive branch mendacity raises several intriguing questions. Was Cheney's devotion to unrestrained executive power, including the right to mislead supposedly coequal branches, partisan or nonpartisan? Is Cheney a man of rigid principles, heedless of political consequences, or an opportunist, embracing and dropping principles as expediency demands? Was his zeal to restore the Imperial Presidency, as it had been fully imagined but incompletely realized by Nixon, an expression of factional loyalty or of constitutional conviction? Did he do it for the sake of Bush and his political goals, or for the sake of the executive branch, present and future?

Politicians sometimes act for the reasons they allege. But expressed justification does not always open a window onto private motivation. That Cheney's prettifying rationales for his own actions needn't always be taken seriously is a conclusion strongly suggested by *Angler*. Cheney's public position on executive branch secrecy is a case in point. He regularly defended the right to withhold important information from Congress and the courts, by invoking the need to receive candid or unvarnished advice from people who would be intimidated and inhibited by the thought that their private communications might someday become public. Yet Cheney's practice of leaking confidential information in order to injure rivals and adversaries, detailed by Gellman, raises doubts about the sincerity of this defense of secret government. It seems more likely that Cheney favored hiding the ball for a tactical reason: it is easier to win if your political and bureaucratic rivals inside government do not even know a deadly game is afoot.

The same is true of Cheney's claim that the threat of nuclear terrorism revealed by 9/11 justifies his spirited defense of unchecked executive power. This claim is disingenuous for several reasons. First, Cheney's commitment to extreme executive discretion didn't originate with 9/11. Since 1974, in fact, his driving passion had been to restore the president's power to escape liability for actions undertaken in the name of national security and without legislative or judicial oversight. Second, while serving as vice president, Cheney regularly invoked presidential prerogative for purposes with little or no connection to national security, such as allowing snowmobiles into national parks and the construction of coal-fired power plants in their vicinity. Finally, the notion that the executive branch needs extraordinary powers to enable it to react rapidly in a crisis, especially when thousands of

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American lives are at stake, is undermined by the response of the Bush administration in general, and the vice president in particular, to the human tragedy of Hurricane Katrina. The paralysis the government displayed as a major American city was being destroyed suggests that Cheney's desire to monopolize power reflects just that, and not a serious commitment to emergency preparedness or the preservation of American lives.

Cheney also relished the presidency's independent power of action because it allowed him to push a hardline agenda without having to make compromises with the opposition. Even after he and Bush eked out their contested victory in 2000, he refused to seek common ground with the party that had won the popular vote. This obstinacy was perfectly in character. Cheney had been suggesting for decades that the Republican Party was the natural party of power, just as the Democratic Party, if not a fifth column, was emboldening America's enemies by its post-Vietnam reluctance to deploy overwhelming military force abroad. And once in office, Cheney set about designing a national security policy that could be sustained only if the other party were permanently excluded from the presidency. That the Democrats do not deserve to occupy the White House seems self-evident to Cheney, who, with Limbaughesque vulgarity, has slandered unnamed members of Obama's team as "people who are more concerned about reading the rights to an Al Qaeda terrorist than they are with protecting the United States against people who are absolutely committed to do anything they can to kill Americans."

## Was Cheney's true agenda the aggrandizement of executive power for its own sake?

At one point Gellman suggests that aggrandizement of executive branch power for its own sake, regardless of which party occupies the White House, was Cheney's true agenda. Cheney did occasionally seem more obsessed with means than with ends, as if his sheer hunger for power might be leading him to discover or invent justifying missions. But Gellman also makes the opposite case: that Cheney sought limitless power to achieve purely partisan aims. It was his "sense of mission" that drove him "to seek power without limit," Gellman says. Cheney's allegedly nonpartisan commitment to executive discretion, on neutrally institutional grounds, has recently been thrown into doubt by his serial attacks on the president as soft on terrorism. Not only has he trash-talked Obama, calling him "someone who would 'never make it in the major leagues,'" as *The New Yorker* recently reported; he has also denounced Obama for using executive discretion to close Guantánamo, wind down the Iraq War and outlaw waterboarding, not to mention for imposing ethics standards on government officials and regulating businesses for the sake of the environment. It is easier to see the partisanship than the principle, especially in his requests for the administration to declassify still-secret memos, however pernicious a precedent such a release might set.

But identifying partisan zeal and personal arrogance as the wellsprings of Cheney's extraordinary theory of the sovereign executive does not explain his success in concentrating unprecedented power in the traditionally weak Office of the Vice President (OVP). How was Cheney, at least during Bush's first term, able to outmaneuver serious rivals and seize, in Gellman's words, "a brief so wide-ranging and autonomous that he was the nearest thing we have had to a deputy president?" As Gellman demonstrates, the key to answering this question lies in palace intrigue.

The most proficient bank robber is no doubt the one who once supervised the bank's security system. As President Ford's chief of staff in 1975–76, Cheney possessed an insider's knowledge of the White House protocols and procedures designed to prevent policy-making from being captured by a narrow faction or clique within the executive branch. Some sort of statutory interagency process, managed by the chief of staff, has existed for decades to ensure that the president can benefit from the conflicting counsel of his various cabinet officers and major advisers. A central component of this system is the circulation of drafts of major policy initiatives to make sure that all parties with a substantial stake in the outcome have a chance to make comments about potential drawbacks and lodge objections before a policy is made official. An orderly paper trail, managed by the chief of staff, increases the chances that the evidence and arguments driving policy will be tested against contrary views. This staffing system was systematically short-circuited in the Bush White House by former chief of staff Cheney and his inner circle. To strengthen their stranglehold on policy-making, they made sure that neither political rivals nor "career civil servants, unbeholden to the White House," in Gellman's words, were "read in" when policies were being made. As a consequence, dissenters had little or no opportunity to present an alternative case to the president.

To circumvent the interagency process in the Bush White House, Cheney first had to take charge of appointments. He began during the 2000 presidential campaign by securing control of the vice presidential selection process, collecting damaging information on potential candidates and getting himself named to the spot. Even before the Supreme Court declared Bush the winner of the election in December 2000, Cheney had begun to dominate the coming presidency. On the principle that "personnel is policy," as Gellman tells the story, Cheney managed to seed the entire executive branch with loyalists who could help him effect his will informally, regardless of official titles or chains of command: "Cheney worked through proxies, and proxies of proxies." He detailed these devotees to second- and third-tier positions, especially in agencies concerned with national security and energy policy. This covert network of surrogates allowed him to pursue a highly partisan agenda while avoiding the critical scrutiny and backlash that might have been triggered by any policy advocated aggressively by the high-profile vice president himself. Indeed, Cheney was able to double his effectiveness by feigning open-mindedness about a range of options during initial discussions and, when the moment of decision arrived, coming down in favor of policies that, in reality, his proxies had initiated under his whispered instructions.

Instead of abolishing the interagency process, Cheney gamed it, creating a parallel process that mimicked the one it undermined. Such was the homage Vice paid to virtue. His back-channel parody of multi-agency consultation was "the key to Cheney's dominance of the 'war on terror,'" Gellman says. A pre-eminent player in this shadow process was John Yoo, the conservative and controversial University of California law professor who served in the Justice Department's Office of Legal Counsel (OLC) from 2001 to 2003. As Cheney's and Addington's most valuable proxy, Yoo was, in Gellman's phrase, "the fulcrum of the lever that Cheney pulled to move the world." It is true that Cheney and Addington "manipulated the legal advice they sought" from the like-minded and eager-to-please young lawyer. But Cheney needed Yoo for a procedural reason: "With the OLC's writ, any federal

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agency could do as the vice president asked." And Yoo copiously complied: "In a prolific run of opinions that fall and winter, Yoo claimed without limitation that the president could disregard laws and treaties prohibiting torture, war crimes, warrantless eavesdropping and confinement without a hearing. The breadth of the language was stunning."

Perhaps the "most jarring claim" contained in the memos was one that is again much in the news: "that the president may authorize any interrogation method, even if it indisputably constitutes torture." Treaties and statutes forbidding torture, including the practice of asphyxiating a subject of interrogation until his pulse and blood pressure drop to life-threatening levels, were declared nonbinding on the president during wartime. An August 1, 2002, memo only recently declassified and therefore not discussed by Gellman states that "the waterboard constitutes a threat of imminent death" but nevertheless "would not constitute torture within the meaning of the [anti-torture] statute." While questions about the true authorship of this memo are unresolved (it is signed by Jay Bybee, at the time an assistant attorney general at the head of OLC), its arguments and claims are consistent with the memos about interrogation written principally by Yoo beginning in November 2001. Prominent members of the administration later protested that Yoo's memos, crafted with Addington's guidance, never served as a basis for the harsh interrogation of detainees. But as Gellman comments, "That claim was breathtaking in its dishonesty."

Gellman goes on to say that "Addington insisted on strict secrecy, preventing the circulation of drafts to agencies that might challenge Yoo's analysis." The clandestine and therefore amateurish nature of this rulemaking went so far that Yoo's memos were "sometimes kept secret from Yoo's own superiors" at Justice. Indeed, as Gellman explains, the "new legal framework was meant to be invisible, unreviewable—its very existence unknown by legislative or judicial actors who might push back." Growing executive branch reliance on secret, and therefore untested, readings not only of statutes but of the Constitution was not a dilemma, from Cheney's point of view, but an asset.

Such a wanton embrace of secrecy reveals the hypocrisy of another argument, commonly advanced by Cheney's supporters, for expansive executive power in time of crisis: Congress and the courts must defer to the executive in national security affairs because they lack the expertise needed to evaluate executive branch decisions. This argument sounds vaguely plausible at first. But according to Gellman's persuasively documented account, one important reason Cheney concealed sensitive information from Congress and the courts was to conceal it from executive branch experts who disagreed with his policies and the legal analyses or empirical claims on which they were based.

The "unitary executive" celebrated by Cheney's defenders is not an executive that reaches policy consensus by hammering out differences through spirited debate among knowledgeable parties but rather an executive that can be seized and dominated by a single uncompromising internal faction. In such a system, any dissenters throughout the sprawling executive branch's many agencies may be silenced by fiat. (Gellman quotes a "close ally of Cheney" who waggishly referred to the State Department as "basically an al Qaeda cell." Labeling the foreign service of one's own country as treasonous may not seem especially funny; but this sort of Cheneyland "joke" has a lineage within the right wing of the Republican Party going back to Senator Joseph McCarthy's speech on February 9, 1950, accusing the State Department of being "thoroughly infested with Communists.") Secrecy and dispatch served not national security but interagency guerrilla warfare. Cheney's view, as sketched by Gellman, seems to have been that obligatory consultations, rather than improving on balance the quality of decisions, merely increased the level of random noise within the system while impeding fast-track decision-making by those who knew best.

To skip time-consuming consultations, Cheney's team erected a series of impenetrable barriers between executive branch agencies that hindered multiagency cooperation, assured that knowledgeable parties with a stake in the outcome had no voice in decision-making and prevented the ultimate decision-makers from hearing objections before setting unvetted policies in motion. This was a highly paradoxical strategy. For one thing, the vice president's defenders have frequently blamed the government's failures in the run-up to 9/11 on the "wall" between law enforcement and intelligence gathering. So why did it make sense, from a national security perspective, to set about building more walls within an executive branch determined to combat terrorism? Why overcompartmentalize policy-making and stonewall executive branch experts who happened to disagree with the president's objectives of the moment, especially during emergencies?

While repeatedly outfoxing rivals within the executive branch, Cheney also made sure that those who disagreed with his policies could not return the favor by ambushing him or pulling off *faits accomplis* of their own. "In the first term most White House staff members were unaware than many of their e-mails were blind-copied to Cheney's staff," Gellman writes. This curious practice of intraexecutive spying by the OVP, incidentally, also displays Cheney's opportunistic and unprincipled attitude toward the confidentiality of communications.

And Cheney's deviousness did not end here. According to Gellman, the vice president sometimes even "blindsided" the president—"the Decider"—himself. There were "moments when Cheney took the helm… without the president's apparent awareness," even though, as Gellman remarks, Bush's legendary impatience with detail made him morally complicit in his vice president's usurpations of power. In May 2003, as Gellman reports, Cheney even succeeded in getting a capital-gains-tax reduction passed against Bush's explicit directives. As usual, Cheney achieved his aims by the secretive use of surrogates. Gellman says that "Cheney needed proxies because it would be bound to get out if he lobbied for the capital-gains cut directly. He was backing a substitute for the president's proposal. Hardly anyone, in or out of the White House, knew that." He exalted the unity of the executive branch in theory, in other words, but was quite willing to disregard the hierarchical organization of that unity in practice. The same lack of deference toward his nominal former boss has resurfaced in Cheney's acerbic commentary on the Obama administration, which contrasts sharply with Bush's respectful post-presidential silence.

**Cheney even managed to get a capital-gains-tax reduction passed against Bush's wishes.**

Cheney's strategies of anonymity and deniability, executed through his network of enablers, also betray the flimsiness of the autocratic philosophy he and his defenders have invoked to support his bureaucratic power games. As Gellman notes, Cheney repeatedly cited Alexander Hamilton's "Federalist No. 70" as an authority for his belief

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that the executive branch, to exploit its institutional capacities for secrecy and dispatch, must be freed from interference by Congress and the courts. Cheney's reading of "Federalist No. 70" is curiously selective, however. The essay's principal focus is the importance of designing government institutions to prevent executive officers from shirking responsibility by acting anonymously. Hamilton argued that having a single president, rather than a multiheaded executive, will make it possible "to determine on whom the blame or the punishment of a pernicious measure, or series of pernicious measures, ought really to fall." The parallel government that Cheney established in OVP, by contrast, is a classic example of undemocratic pluralism within the executive. Just as Hamilton surmised, such a multiheaded arrangement fatally obscured the authorship of calamitous policy failures: we still do not know who made the disastrous decision in 2003 to disband the Iraqi army.

## Cheney's epitaph: You can fool enough people long enough to do irreversible damage.

Eventually, Cheney's power began to wane. During Bush's second term, Donald Rumsfeld was replaced by Robert Gates as secretary of defense, and the new secretary of state, Condoleezza Rice, launched a diplomatic initiative toward North Korea. Gellman tries to explain this gradual unraveling of Cheney's mystique by invoking Nemesis, who in Greek tragedies punishes those who suffer from hubris. The uncanny lack of self-doubt that gave Cheney a tactical advantage over his rivals may, indeed, have defeated him in the end. His manipulation of evidence and argument as tools for working his will on others may have over time led him to undervalue the role of evidence and argument as checks on himself.

More specifically, his stealthy end runs around Attorney General John Ashcroft in March 2004 (orchestrated without Bush's knowledge) fueled a "near-calamitous rebellion at Justice," Gellman writes. While Ashcroft was being hospitalized for acute gallstones, the acting attorney general, James Comey, Ashcroft's deputy, refused to reauthorize Cheney's cherished program for warrantless domestic surveillance. Alberto Gonzales and Andrew Card, Bush's White House counsel and chief of staff, respectively, went to Ashcroft's hospital room and tried to badger him into reversing Comey's decision. Ashcroft refused. More than thirty attorneys at Justice threatened to resign over the White House's treatment of Ashcroft, a scandal averted only when Bush made some unspecified concessions on domestic surveillance. This skirmish is one example of how during the Bush years conflicts between and among executive branch agencies had a greater impact on national security than conflicts between the executive and Congress or the executive and the courts. Arrogance also triggered a backlash when the vice president's politically unsustainable assertion of "absolute presidential discretion to declare a U.S. citizen an enemy and lock him up without a lawyer or a hearing" shocked an otherwise deferential Supreme Court into issuing a handful of decisions that, in Gellman's opinion, spelled "a calamity for Cheney's war plan against al Qaeda."

But perhaps the most telling example of fatefully self-destructive overreaching was Cheney's attempt to punish former Ambassador Joseph Wilson for insinuating publicly that the vice president had fabricated evidence in an attempt to justify the invasion of Iraq. The story, a revenge tragedy, is well known. On July 6, 2003, four months after the invasion of Iraq, Wilson published an op-ed in the *New York Times* disputing the claim that Saddam had tried to purchase enhanced uranium yellowcake from Niger. Bush, Cheney and others had made this claim in the course of arguing that Saddam's WMD posed a serious threat. To tarnish Wilson, and intimidate anyone else who might be tempted to challenge publicly the vice president's good faith, Cheney arranged for his politically savvy deputy, Lewis "Scooter" Libby, to leak the confidential information that Wilson's wife, Valerie Plame, was a covert CIA agent (seeking out WMD, no less) and to insinuate that Wilson's evidence of Cheney's dishonesty was tainted and discredited by nepotism.

Having stiff-armed Ashcroft's deputy attorney general, James Comey, one too many times, Cheney was helpless when in December 2003 Comey appointed the hard-driving federal prosecutor Patrick Fitzgerald to investigate the Plame leak. More generally, although he was vividly aware of the risks of inaction, Cheney failed to think clearly about the risks of action or the unintended consequences of the demonstrative use of power. By dispatching Libby on a covert operation to discredit Wilson, he set in motion a process that led to Fitzgerald's indictment of his right-hand man and, eventually, to Libby's conviction for perjury and obstruction of justice. It was a self-inflicted wound caused by a disproportionate, not to say obsessive, focus on a secondary danger. (Why Bush rebuffed Cheney's last-minute pleas to pardon Libby has still not been publicly revealed. That the president may have been rebelling belatedly at his nominal subordinate's devious and imperious style cannot be excluded, however.) Nemesis seems to have been triggered by oversimplification; condescension; intolerance of criticism; an irresistible need to act; a fatally selective picture of a highly complex threat environment; and an intuitive, basically irrational, setting of priorities.

Gellman says that Cheney "liked to hear a lot of competing views," not in order to prepare his rebuttals but because he was serious about governance and wanted to learn "what would work and what would not." But the general portrait of Cheney that emerges from *Angler* does not fully support such a charitable interpretation. Cheney repeatedly scoffed at the idea of national security officials being "second-guessed by congressional committees, inspectors general, and the FBI," as if statutorily required oversight, including military-style after-action reviews, could never improve executive branch performance. Cheney's circumvention of due process and constitutional checks may have reflected his visceral dislike of sharing power with people he could not control. But it also seems rooted in a deep intellectual lapse.

According to Gellman, "Cheney and Addington often said that fear of the law had neutered intelligence agencies since the 1970s." The prospect of personal liability for war crimes, written into law by liberals, unmanned the wielders of America's hard power, they argued. Rather than being assets in the "war on terror," legality and due process were therefore liabilities. The obligation to obey the law indirectly helped America's enemies by reducing "battlefield" options and promoting timorousness and an excess of caution. From this flawed analysis, it followed that the most favorable terrain on which the United States could conduct its struggle with jihadism was the domain of illegality. The power to fight terrorism effectively included, above all, the power to indemnify executive branch operatives from any criminal penalty for violating laws purporting to regulate interrogation, detention or domestic surveillance.

The notion that law and the procedures

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of the criminal justice system, as a general matter, reduce operational flexibility against terrorists stems from tunnel vision. Due process can make a positive contribution to counterterrorism, despite what American conservatives frequently allege, because it compels executive officials to give plausible reasons for their actions, thereby creating over the long run an incentive for executive officials to have plausible reasons for their actions, especially for their use of coercive force. Some prosecutors may be annoyed that public trials, evidentiary rules, independent judges, juries and the like make it harder for them to put away "obviously guilty" suspects. But an important purpose of the procedural architecture of due process is to compel law enforcement authorities to adapt to reality even when it flatly contradicts their pet hunches. If prosecutors could imprison suspects on the basis of undisclosed information or outright speculation, never vetted in a neutral forum or challenged by knowledgeable parties, their actions would not be flexible but arbitrary. Situational awareness and self-correction are products of institutional protocols, not of unrestrained executive discretion, which may—and in the case of the Bush administration, did—write a blank check to people with chronically inflexible minds.

Why would Cheney flatly deny that due process and other forms of government self-restraint, such as abstention from torture, can make a positive contribution to national security? One reason might be that he overestimates the probative value of hearsay and circumstantial evidence. A central function of due process is to prevent the criminal justice system from being manipulated by witness malice. Cheney rejects, or does not see, that evidentiary standards, notice, discovery rules and the right to confront adverse testimony help weed out false evidence and testimony introduced by people with illicit private agendas (think Ahmed Chalabi). Thus, he consistently argued that after 9/11, "the government had to shake off old habits of self-restraint" to be effective. Yet traditions of self-restraint have survived, in a dangerous and often unforgiving environment, because, on balance and over time, they make coercive measures more effective.

Why would a system designed to cauterize spirals of violence, by separating perpetrators from bystanders, be made obsolete by the emergence of international Salafi terrorism? After all, international Salafi terrorism is a movement that, whatever its spokesmen say about "cosmic war" and the clash of civilizations, is always fueled by a desire to retaliate for past crimes allegedly or actually committed by the West. But instead of favoring criminal justice, with its emphasis on individual culpability, Cheney embraced the "war model" of counterterrorism. He favored warfighting over crime-fighting on the spurious grounds that the former is "more aggressive" than the latter. By "more aggressive" he apparently meant "less discriminating." War fighters are much less likely than crime fighters to be held legally liable for killing and maiming innocent bystanders. As a result, law cannot "neuter" soldiers the way it does police officers, hamstrung by the imperative to sort the guilty from the innocent.

Through 2006, Cheney continued to claim that superior US firepower would crush the Sunni insurgency, then purportedly in its "last throes." After *force majeure* had failed to quell the violence, Cheney finally acknowledged that, in the words of a US counterinsurgency specialist, "the war could not be won without driving a wedge between committed adversaries and ordinary POIs—short for Pissed Off Iraqis." But he never seemed to have absorbed the underlying lesson that escalated military aggression has diminishing returns. Civilian casualties especially can be counterproductive, because killing innocent bystanders in a revenge culture like Iraq's will reduce the eagerness of civilians to turn insurgents over to the authorities.

Cheney's insistence that "history" will vindicate his actions, despite his off-the-charts unpopularity, also seems hubristic, if not delusional. As Armey told Gellman, this boast seems to be an important source of solace for the former vice president. It cannot be refuted, of course, because no one can foresee with certainty the retrospective judgments of future generations. It is a Cheneyesque belief—one that can never be tested by reality. By explicitly placing more trust in the unobservable than the observable, Cheney seems to be confirming the suspicions of those who see his exaggerated self-confidence as a symptom of chronic disconnection from reality.

Lincoln said, optimistically, that you cannot fool all of the people all of the time. But a better epitaph for Cheney's vice presidency comes from Joseph Schumpeter: even if you cannot fool all of the people all of the time, you can fool enough people long enough to do irreversible damage. Whatever hypotheses we entertain or reject about Cheney's motives and mental states, the consequences of his serial duplicities continue to misshape our world and will not, by any means, be soon repaired. ■

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*for Peter Gizzi*

crush tamarind and the brown thirst of Quivira
the hollow sound of the silence of travail
the tipp iron toe of aventura coronado . x

-plore for the first time like in imagen childhood
the time of the world of the mesa. but this one is "real"
the opponents are vivid & feather'd & red

not one of these is yr father
here the world that we thought of as round
after all becomes arid & flat in its trail

full of deep stony echoes & the steep sound
of phonemes
as if God is a well where there is no

language of water. no meaning
of silver of mineral flood that we know
in our langurous rivers

. but here is only the archer wind
. is this why we are hearin feathers?
. the future sits across from us squat & vivid on a burn

-ing horse. not a cross. w/its arrows
there are no orchards here. no wine
no other kind of time for these sorrows

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Greg Ellis as chief engineer Olson (left), Chris Pine as James T. Kirk (center) and John Cho as Sulu in *Star Trek*

# Live Long and Prosper

**by STUART KLAWANS**

The martial rhythm, the close-stepping intervals, the triumphalist orchestration: Jerry Goldsmith's theme for *Star Trek*, introduced thirty years ago in the first of the motion pictures, may be catchy enough in a "Hail the leader!" way, but it just didn't match the spirit of the television score. Of course, that earlier theme by Alexander Courage had sounded its own heroic notes, in an opening fanfare (or rather a quasi-Wagnerian motif) of the upward-striving sort. But then the piece swung inexplicably into a kind of bolero rhythm, with the melody first swooping high in a glissando leap and then swooning back down on an Orientalist scale. In Courage's *Star Trek*, Siegfried gave way to Scheherazade, conventional swagger to an exotic fabulousness.

No composition could have better suited the weekly action of the television show; and the most fitting trait of all, as it turned out, was that nobody back then—nobody—was listening to anything like this lush bit of weirdness, which seemed to have emanated from MGM's old Freed unit (where Courage in fact had gotten his start). Like the TV series itself, that found object taken up by fans only after it was cancelled—or like this review, which is appearing weeks after all other *Star Trek* articles—the theme was, from the beginning, a relic of another time.

That's why the full-scale revival of Courage's music after all these years is one more reason for the faithful to have received the new J.J. Abrams movie as authentic: true *Trek* of true *Trek*, begotten not made. No matter that everyone in this picture is younger, shinier and better outfitted than on syndicated TV; and no matter that the commercial motive behind the film could have been expected to yield only a synthetic product. Abrams and his writers, Roberto Orci and Alex Kurtzman, have brought forth a living descendant, drawn solely from material that was immanent in the original. Case in point: the ever-serviceable plot device of a trip back in time, which now explains, in inherently *Star Trek* fashion, why Kirk, Spock and the rest are being played by new actors.

It seems that tattooed hotheads from the future have come back and tampered with the early twenty-third century, causing a different reality to branch off from the one we knew. In its own terms, then, the new *Star Trek* is not a prequel to the television show but a parallel development to it (well, all right, oblique), in which various people still grow up to become the crew of the *Enterprise*—character being destiny—but do so with slightly altered appearances and curricula vitae.

If you're inclined to disparage this conceit as a mere excuse for relaunching the franchise, then I bet you'd also belittle the kid who stays up all night growing a dog in a test tube just to show what ate the homework. The premise for the new *Star Trek* is far more clever than any production company could have demanded. More important, it adds meaning to the *Star Trek* of old.

You might have guessed, for example, that if not for the grace of God, or an anomaly in the Infrandibulum System, James T. Kirk might have been nothing more than a drunken, arrogant, self-destructive jerk. Now you can see his implicit flaws made manifest in everything about young Kirk, from his pickup lines to the lovingly lighted cuts, bruises and pimples worn on actor Chris Pine's face; and you appreciate as never before how deeply this man needs Spock, not for the Vulcan's reasoning powers but for his example of humility and self-discipline. Spock, unlike Kirk, will not invariably decide that his first option is to fling himself over a cliff. He will drop off calmly, and only if he's calculated that it's in the best interests of the group. You always knew that, too; but now you can see the vulnerability in actor Zachary Quinto's youthful features and understand that Spock's failure to be perfectly selfless is an unbearable shame to him, when disclosed to anyone but Kirk.

While these two young officers bicker toward their inevitable union like an interplanetary Beatrice and Benedick, *Star Trek* keeps you occupied with the usual sort of thing you find in science-fiction adventures, done somewhat more wittily. There are well-plotted fight sequences (which peak early in the film, in a scene that involves hyperextended sky diving) and a few uncommonly beautiful images of cruising

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spaceships: tiny escape pods drifting away from the mother vessel like so many seeds blown across the sun, or the *Enterprise* rising out of a cosmic dust cloud just beyond the rings of Saturn. Best of all, though, are the countless gags tossed off in passing, with a complicit wink. Whether toying with Spock's salute of "Live long and prosper" or inflicting on Kirk a series of slapstick medical indignities, *Star Trek* always assumes that you are in on the joke.

Maybe this doesn't seem to be a very large claim to make for a movie: that it takes itself no more seriously than it should (and no less seriously, either) while addressing the audience with respect. If that's what you'd like to think, then you might as well try watching *Angels & Demons*.

Go see a movie that has no characters at all, just explainers; that makes its protagonists race to beat the clock, over and over, but doesn't acknowledge the humor of their always being *almost* on time; that pretends to be giving you a fact-filled education in ecclesiastical history and politics, while actually sounding like a high school history teacher who has simultaneously achieved senile dementia and the thirty-second degree of the Masonic order. Preposterously solemn and solemnly preposterous, this *Paranoid's Tour of Rome*, conducted by Tom Hanks and a perpetually breathless Ayelet Zurer, careens through half a dozen architectural monuments and twice as many murders before it can finally relax enough to venture a joke, in the final scene.

And the joke, after all that, turns out to be in code. A cardinal, bidding farewell to Tom Hanks, addresses him for no apparent reason in a version of the last words of *Tea and Sympathy*. People who don't know the line—the great majority of the audience, I suspect—will of course be oblivious. Those who do recognize the allusion will find it meaningless, unless perhaps (picking up on the plot of *Tea and Sympathy*, with its tale of sexual initiation) they interpret the words as a cryptic way to say, "Screw the Church." Either way, screenwriters David Koepp and Akiva Goldsman have shared the fun with each other but not with you, as they step outside the story to mock their own movie, and anyone who might provisionally buy into it.

As François Truffaut once wrote, this isn't the art of cinema—it's the art of putting one over. That is a sin never committed by the makers of *Star Trek*. Steadfastly remaining within the fictional world imagined by Gene Roddenberry, Abrams and his writers have even resisted the temptation to work in suggestions of new social and political messages (a job that would eventually be done for them anyway, by a thousand op-ed writers). What mattered, they knew, was for *Star Trek* to be true to itself: to have the internal coherence of a piece of music, even if it was a silly one.

So they let themselves be old-fashioned. The '60s liberalism of the TV series went untouched, though it might have seemed antique to Abrams and his team in 2006, when they set to work. But then, even in the early years of the show's popularity those ideals had seemed quaint. In the depths of the Nixon era, a generation's fading hopes for international cooperation, nuclear disarmament, widespread cultural relativism and hassle-free interracial dating lived on in *Star Trek* reruns, playing out as half camp and half nostalgia.

Abrams understood and changed nothing. And for this integrity, he received the unforeseeable reward of having *Star Trek* released a little more than 100 days into the Obama administration, when its sentiments from a bygone era suddenly made it the most up-to-date picture imaginable.

Captain! I think I'm picking up a signal.

Olivier Assayas's new meditation on French domestic life, the wisely ironic *Summer Hours (L'Heure d'été)*, begins with children's games and ends with adolescent partying and pairing off—that is, the real business of life. All the rest focuses on the concerns of a middle-aged man, who is determined to hold onto his responsibilities—toward his mother, his siblings, his family property—while slowly and unwillingly being made as carefree as a kid.

The real kids, who open the film on a fine bright day, are a brood of cousins, seen romping through the woods and down the hilly paths of their grandmother's country house. They're on a treasure hunt; and from the way Assayas's always-mobile camera presses forward when they find a clue, as if it were looking with them, you may guess there is much more to be dug out of this place. Sure enough, the discoveries begin as soon as the children's parents settle down to lunch around the long table on the patio, to celebrate the seventy-fifth birthday of a very elegant mother (Edith Scob) who coolly dismisses everything they do.

None of them pleases, or can even interest, her—not Frédéric (Charles Berling), the pensive but ever-hurried economics professor who lives in Paris, not Adrienne (a bright blonde Juliette Binoche), a designer who resides in the United States and has adopted its slouching ways, and not Jérémie (Jérémie Renier), a corporate functionary who is making his home and raising his family where the opportunities are greatest, in China. Their Champagne, their presents (admittedly dull and practical), their efforts to draw out a festive mood all fall flat with the mother, who comes to life only when presented with a book. It's the catalogue of a new retrospective of the paintings of her late uncle, a great and celebrated artist, who had left her this house and all the wonderful objects in it.

What is to be done with this property, after her death? The mother raises the question herself, without prelude, in a scene that takes her and Frédéric away from the outdoors and the group, into mutual isolation in a clutter of rooms where she insists on making an inventory. With seeming indifference toward her son, his childhood memories and even the claims of an artist's legacy, she commands that everything be sold—the Corot paintings, the Art Nouveau furniture, even her uncle's sketchbook—and the house shut down. Frédéric, increasingly agitated, won't hear of it, though it's not clear in this tense and protracted scene what exactly he wants to hold onto: the hope that his mother might relent before her death and love him, or the fantasy that his children will eventually love this house enough to make it live again.

These are the first of the discoveries in *Summer Hours*. The rest have to do with the different meanings of the house and its artworks to the mother, the siblings, the children, the old housekeeper and even the French state (as represented by the curators of the Musée d'Orsay). Despite the predominance of Frédéric's viewpoint, the perspectives are multiple and the scenes containing them discontinuous, often beginning abruptly (with the intrusion of a speeding car, for example) and ending with a fade to black; and yet the texture of *Summer Hours* somehow feels smooth and whole. Maybe it's because Assayas, unlike Frédéric, always seems to have enough time: to pause and look down on a village, to watch reconciled brothers say goodbye in a gentle rain, to follow the transfer of an expensive objet d'art into the hands of someone who just wants to put flowers in it.

How do we value our lives? Frédéric, as an economist, has some idea. *Summer Hours* respects him for that; but it respects him more for the way he lives, after he has to let his idea go. ■

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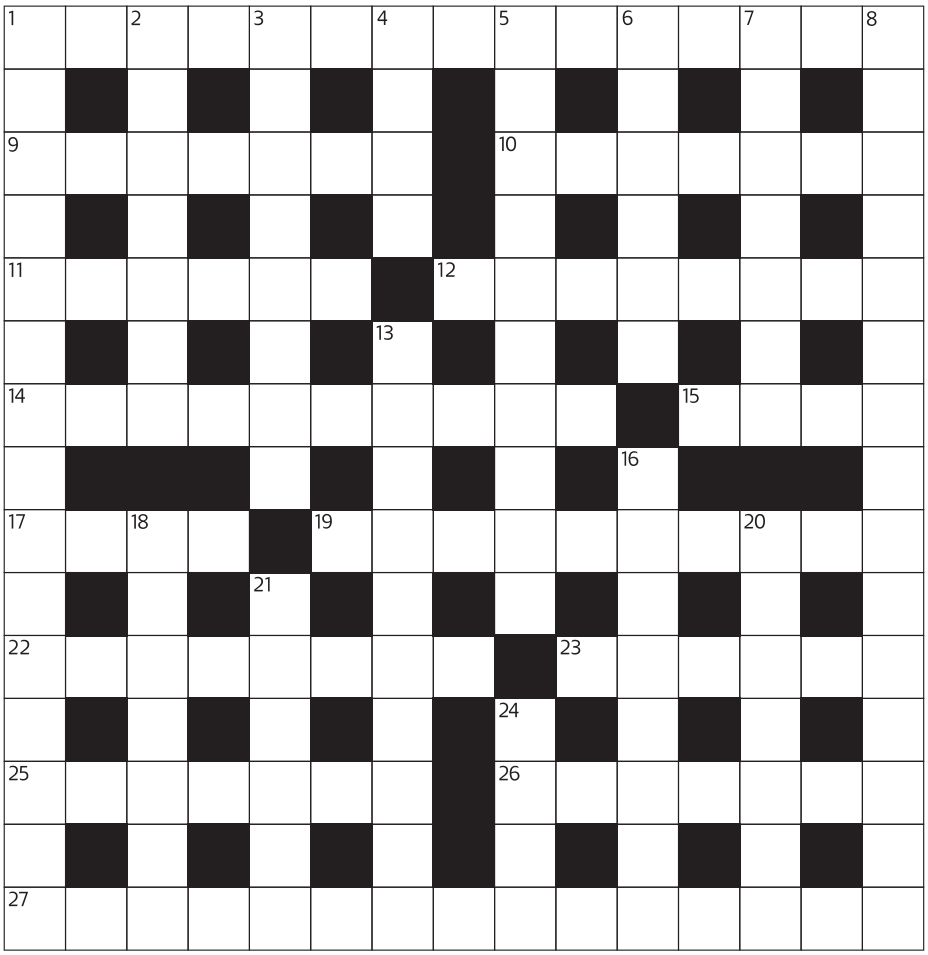

## ACROSS

**1** Evidently most of the people are employed with it, and it should be enough to get things accomplished. (7,8)

**9** A heavy drinker is one coming back to place. (7)

**10** Confused clients may be used for letters or other designs.(7)

**11** Here in Paris it makes a clean start, but is rather drippy. (6)

**12** If you have words and music, this is the first part. (8)

**14** Pogo's home! (10)

**15** Does badly at poetry. (4)

**17** Goes out like the tide. (4)

**19** Rather iffy. (To you, sounds like Mr. Charlie has 500 to go!) (5-3-2)

**22** Terribly vain gal with an average grade is shocking! (8)

**23** Your friend had dinner, which is what made him enjoy it. (6)

**25** What the Bantu might throw in the grass again. (7)

**26** Can more possibilities exist where famous violins are made? (7)

**27** Exhibiting the condition of the gal in 22! (5,2,1,7)

## DOWN

**1** In reach, if you want to grab something. (6,4,5)

**2** Concerning malice, you get a delay for a time. (7)

**3** In short, I am what the throbbing type does, having sudden inclinations. (8)

**4** Get a different opening? (4)

**5** Staying away from something can get nonappearance around it. (10)

**6** The writer has nothing on a layer that goes to the little railroad. (6)

**7** Urged to get what the firm often is, in short—and tied-untied. (7)

**8** It is said to have something that is ancient and true blue—which does a lot of spouting. (11,4)

**13** Little expeditions around Rio, in a way, to find something that's just for girls! (10)

**16** A place in California where a fool comes up with a study on a combination of it. (8)

**18** If you get to libel a scoffer, a famous showman will turn up. (7)

**20** This should be a helluva game! (7)

**21** How you got wild game, even with a bad, bad egg to show for it. (6)

**24** Possibly cups of fish from the Atlantic. (4)

## SOLUTION TO PUZZLE NO. 3172

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| H | I | N | E | S | ■ | A | R | K | W | R | I | G | H | T |
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| K | ■ | E | ■ | W | ■ | T | ■ | O | ■ | G | ■ | M | ■ | T |
| Y | A | L | E | ■ | J | E | N | N | Y | ■ | T | O | R | Y |
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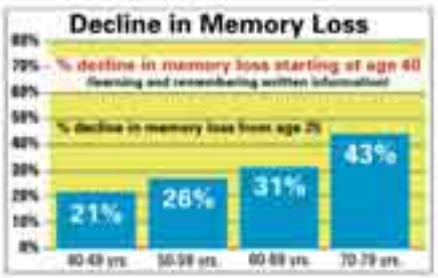
# WARNING: IS YOUR MEMORY FADING?

## Breakthrough research reveals "senior moments" may be caused by "brain starvation"

**You may be able to avoid long-term issues if you act before it's too late. Leading medical researchers reveal discovery that triggers body's own production of mental "superfuel" and may help reverse the damage caused by stress and age.**

Do you remember your first kiss but not where you left your car keys? You're not alone. Millions are discovering that as they age, their short term memory and mental sharpness seem to be slipping. The cause of these inconvenient "gaps" in memory sits deep inside your brain, among the billions of tiny nerve connections. New brain cell growth starts dropping after age 25, and then dramatically after 50, starting a downward spiral that can lead to everything from those frustrating "senior moments" to even more severe memory breakdowns.




Source: Georgia Institute of Technology Cognitive Research Program

### Downward Memory Spiral is Reversible

Studies have shown that the efficiency of brain cells declines after years of free radical damage and stress. It was long believed that as we got older, memory problems were inevitable. But medical experts have revealed that **the downward memory spiral is reversible.** Compelling new research shows that there's a simple way to stimulate new brain cell growth that can boost your memory, improve your focus and restore your mind's mental sharpness.

### Are you starving your brain?

If you have experienced one or more of these symptoms, you may benefit from Neurostin™.

- ☑ Do you forget names or dates?
- ☑ Do you sometimes get confused?
- ☑ Do you find it difficult to do more than one thing at a time?
- ☑ Do you often forget why you walked into certain rooms?
- ☑ Do you find it hard to concentrate?

### Achieve Peak Brain Performance

Challenging mental games aren't enough to build a better brain. Your mind is the most complex and demanding organ in your body. It's also a high-performance supercomputer that requires the right chemical "foods" to perform at its peak.

One of the brain's most important nutrients is choline. Choline is a substance in our body that our brain desperately needs to help manufacture new cells and improve vital neurotransmitters (the basic processes of thinking and memory). Until now, it was believed that there was no way to safely and naturally produce this remarkable mental "superfuel." But after years of extensive research and testing, microbiologists and brain researchers at the University of North Carolina, in England at Newcastle General Hospital, and at the prestigious Weizmann Institute of Science in Israel have developed a way to help boost choline production. Their breakthrough formula also helps stimulate new brain cell growth, leading to a significant improvement in memory, concentration and helps clear stubborn "brain fog."

### Improve Memory and Focus Without a Prescription

This exciting breakthrough discovery is now available in a ***time-release capsule*** called Neurostin™ Complex-Memory Pill that is available without a prescription to anyone looking to sharpen their memory. Neurostin™ contains a unique combination of antioxidants, botanicals and nutrients to support critical processes for good cognitive function. Its high concentration of specific brain-boosting ingredients helps improve the synthesis and transmission of neurotransmitters necessary for improved mental clarity. The Neurostin™ formula is completely safe and contains no stimulants, ephedra or caffeine.

### Protect Your Memory Now Before It's Too Late

Why wait until your lack of focus or forgetfulness creates an unsafe situation? Today it was your reading glasses, but tomorrow it could be the stove. You forget a phone number today, but tomorrow it could be where you parked your car at the mall.

Just as important is the personal toll that a fading memory can take on your family and friends. Don't you owe it to them and your future to take your brain's fitness as seriously as you do your heart health? It couldn't be easier. In as little as 30 days you can get back the mental sharpness and focus you had when you were 20 years younger! Act today and unlock your mind's true potential!

### How Neurostin™ Works

- **Provides the building blocks** of nerve cell membranes to promote optimal brain cell activity
- **Assists in the production** of acetylcholine, a vital component for improved mental performance
- **Helps relax blood vessels** to increase blood flow for maximum nutrient and oxygen delivery
- **Helps dispatch antioxidants** which inhibit free radical oxidation of nerve cell membranes

*These statements have not been evaluated by the FDA. This product is not intended to treat, diagnose, cure, mitigate or prevent any disease. Return postage may be required. Neurostin is not endorsed, associated or affiliated in any way with Newcastle Hospital, UNC, or the Weizmann Institute.*

### Having Trouble Finding Neurostin?

The makers of Neurostin™ are so confidentthat they want to offer you a 30-Day Risk Free Trial, so you can experience the results firsthand.

To get your supply of Neurostin™ risk free, for just a small shipping and processing fee call 888-841-5469.

**Call 888-841-5469 Today For Your 30 Day Risk-Free Trial of Neurostin™ Complex-Memory**

**Mention Promotional Code NU100027**

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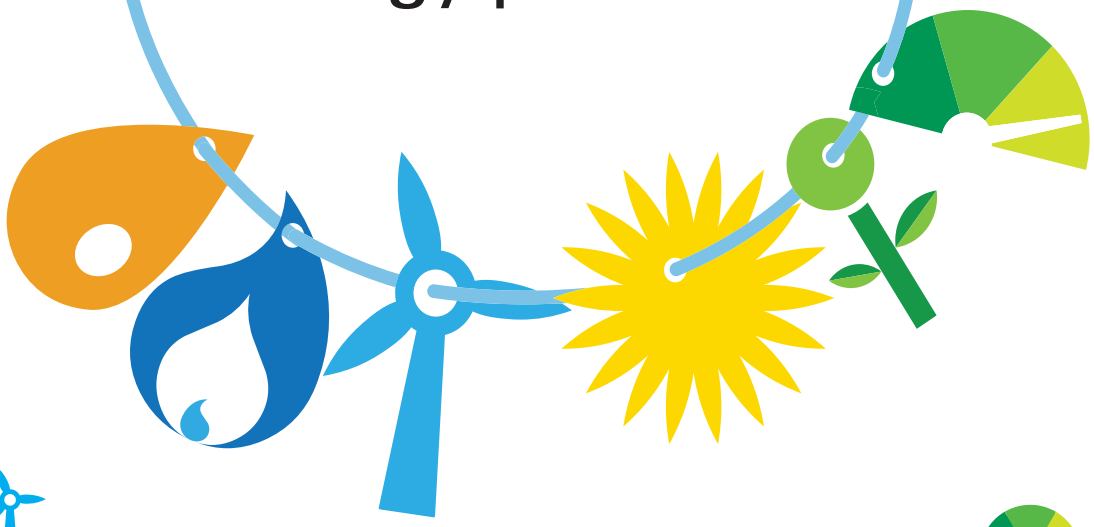
New areas offshore may hold enough reserves to fuel auto consumption for about 30 years. Our groundbreaking platforms in the Gulf of Mexico add over 400,000 barrels a day to U.S. supplies.

Demand for natural gas is growing fast. Exploring offshore could help meet energy needs. Today, natural gas accounts for over 40% of BP's hydrocarbon portfolio in the U.S.

# Unlocking America's energy potential.



America's wind resources remain untapped. BP and its partners have wind projects in 4 states generating renewable energy for over 180,000 average U.S. homes.

Solar energy is heating up. We're partnering with the Department of Energy and Arizona State University to lower costs and improve solar performance.

Demand for renewable fuels is growing. BP has partnered with Verenium to accelerate the development of advanced biofuels for U.S. motorists.

Energy efficiency is a hidden resource. So we created the BP Energy Lab to help each of us reduce energy usage and carbon emissions. bp.com/energylab

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